Supreme Court, U.S.
FILED
MAY 3 1991
OFFICE OF THE CLERK

No. 89-1290

IN THE

# Supreme Court of the United States

OCTOBER TERM, 1990

ROBERT R. FREEMAN, *et al.*,
*Petitioners,*

v.

WILLIE EUGENE PITTS, *et al.*,
*Respondents.*

**On Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit**

## JOINT APPENDIX

**(Volume II, pp. 431-872)**

REX E. LEE *
CARTER G. PHILLIPS
MARK D. HOPSON
SIDLEY & AUSTIN
1722 Eye Street, N.W.
Washington, D.C. 20006
(202) 429-4000

GARY M. SAMS
CHARLES L. WEATHERLY
J. STANLEY HAWKINS
WEEKES & CANDLER
One Decatur Town Center
Suite 300
Decatur, Georgia 30031
(404) 378-4300
*Counsel for Petitioners*

CHRISTOPHER A. HANSEN *
STEVEN R. SHAPIRO
JOHN A. POWELL
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
132 West 43 Street
New York, New York 10036
(212) 944-9800

MARCIA BOROWSKI
STANFORD, FAGAN & GIOLITO
1401 Peachtree Street, N.E.
Suite 238
Atlanta, Georgia 30309
(404) 897-1000
*Counsel for Respondents*

Dated: May —, 1991

* Counsel of Record

PETITION FOR CERTIORARI FILED FEBRUARY 12, 1990
CERTIORARI GRANTED FEBRUARY 19, 1991

TABLE OF CONTENTS

VOLUME I


| | Page |
|---|---|
| Relevant Docket Entries | 1 |
| Complaint | 41 |
| Answer | 49 |
| Order (5/12/69) | 61 |
| Order (11/3/76) | 71 |
| Order (1/23/77) | 96 |
| Order (4/18/77) | 98 |
| Order (5/6/77) | 101 |
| Order (10/6/77) | 104 |
| Order (12/27/77) | 113 |
| Order (5/23/78) | 117 |
| Order (9/6/78) | 127 |
| Order (10/25/78) | 132 |
| *Pitts* v. *Cherry*, 598 F.2d 1005 (5th Cir. 1979) | 133 |
| Order (5/8/79) | 138 |
| Order (9/8/83) | 151 |
| Order (2/22/84) | 162 |
| Order (7/11/84) | 170 |
| *Pitts* v. *Freeman*, 755 F.2d 1423 (11th Cir. 1985) | 174 |
| Order (10/31/85) | 183 |
| Order (11/7/86) | 200 |
| Order (6/30/88) | 202 |
| Order (8/11/88) | 251 |
| Defendant's Exhibit 2 | 253 |
| Defendant's Exhibit 3 | 255 |
| Defendant's Exhibit 4 | 256 |
| Defendant's Exhibit 5 | 257 |
| Defendant's Exhibit 6 | 258 |
| Defendant's Exhibit 11 | 259 |
| Defendant's Exhibit 13 | 260 |
| Defendant's Exhibit 19 | 261 |
| Defendant's Exhibit 20 | 262 |
| Defendant's Exhibit 24 | 263 |
| Defendant's Exhibit 25 | 264 |
| Defendant's Exhibit 32 | 267 |
| Defendant's Exhibit 41 | 269 |
| Defendant's Exhibit 60 | 424 |
| Defendant's Exhibit 61 | 425 |

TABLE OF CONTENTS—Continued


| | Page |
|---|---|
| Defendant's Exhibit 73 | 427 |
| Defendant's Exhibit 216 | 428 |
| Defendant's Exhibit 222 | 430 |


VOLUME II


| | |
|---|---|
| Plaintiff's Exhibit 22 | 431 |
| Plaintiff's Exhibit 23 | 438 |
| Plaintiff's Exhibit 24 | 450 |
| Plaintiff's Exhibit 25 | 465 |
| Plaintiff's Exhibit 26 | 473 |
| Plaintiff's Exhibit 28 | 476 |
| Plaintiff's Exhibit 32 | 481 |
| Plaintiff's Exhibit 34 | 483 |
| Plaintiff's Exhibit 40 | 484 |
| Plaintiff's Exhibit 42 | 491 |
| Plaintiff's Exhibit 44 | 493 |
| Plaintiff's Exhibit 45 | 495 |
| Plaintiff's Exhibit 47 | 497 |
| Plaintiff's Exhibit 66 | 501 |
| Plaintiff's Exhibit 94 | 504 |
| Plaintiff's Exhibit 96 | 509 |
| Plaintiff's Exhibit 97a | 511 |
| Plaintiff's Exhibit 97b | 512 |
| Plaintiff's Exhibit 97c | 513 |
| Plaintiff's Exhibit 98a | 514 |
| Plaintiff's Exhibit 98b | 515 |
| Plaintiff's Exhibit 98c | 516 |
| Plaintiff's Exhibit 99 | 517 |
| Plaintiff's Exhibit 100 | 518 |
| Plaintiff's Exhibit 101a | 519 |
| Plaintiff's Exhibit 101b | 520 |
| Plaintiff's Exhibit 102a | 521 |
| Plaintiff's Exhibit 102b | 522 |
| Plaintiff's Exhibit 103a | 523 |
| Plaintiff's Exhibit 103b | 524 |
| Plaintiff's Exhibit 104 | 525 |
| Plaintiff's Exhibit 105 | 526 |
| Plaintiff's Exhibit 106 | 527 |




TABLE OF CONTENTS—Continued


| | Page |
|---|---|
| Plaintiff's Exhibit 107a | 528 |
| Plaintiff's Exhibit 107b | 529 |
| Plaintiff's Exhibit 108a | 530 |
| Plaintiff's Exhibit 108b | 531 |
| Plaintiff's Exhibit 108c | 532 |
| Plaintiff's Exhibit 109a | 533 |
| Plaintiff's Exhibit 109b | 534 |
| Plaintiff's Exhibit 109c | 535 |
| Plaintiff's Exhibit 110 | 536 |
| Plaintiff's Exhibit 111 | 537 |
| Plaintiff's Exhibit 113 | 538 |
| Plaintiff's Exhibit 114 | 539 |
| Plaintiff's Exhibit 123a | 540 |
| Plaintiff's Exhibit 123b | 542 |
| Plaintiff's Exhibit 123c | 543 |
| Plaintiff's Exhibit 123d | 544 |
| Plaintiff's Exhibit 124b | 545 |
| Plaintiff's Exhibit 124c | 546 |
| Plaintiff's Exhibit 125 | 547 |
| Plaintiff's Exhibit 128 | 548 |
| Testimony of Dr. David Armor<br>Trial Transcript, Vol. V, pp. 3-143 | 552 |
| Opening Statement of Gary Sams<br>Trial Transcript, Vol. I, p. 7 | 658 |
| Testimony of William Ferguson Simpson<br>Trial Transcript, Vol. I, p. 147 | 658 |
| Testimony of Franklin Dean Grant<br>Trial Transcript, Vol. I, p. 232 | 659 |
| Testimony of Bobby Nelson Stephens<br>Trial Transcript, Vol. II, pp. 32-33 | 660 |
| Testimony of Robert L. Tucker<br>Trial Transcript, Vol. II, pp. 65-69 | 661 |
| Testimony of Mary Durr<br>Trial Transcript, Vol. II, pp. 156-61 | 664 |
| Testimony of Wayne Cohen Huey<br>Trial Transcript, Vol. III, p. 144 | 669 |
| Testimony of Ruel Morrison<br>Trial Transcript, Vol. III, pp. 199-202 | 669 |

TABLE OF CONTENTS—Continued


| | Page |
|---|---|
| Testimony of Ernest Lamar Hallford | |
| Trial Transcript, Vol. III, pp. 217-18 | 672 |
| Testimony of Vivian McMillan | |
| Trial Transcript, Vol. IV, pp. 10-16 | 674 |
| Testimony of Fannie H. Tartt | |
| Trial Transcript, Vol. IV, pp. 173-76 | 679 |
| Testimony of Dr. Bill Strain | |
| Trial Transcript, Vol. V, pp. 175, 207-08, 212-15 | 682 |
| Testimony of Dr. Robert Freeman | |
| Trial Transcript, Vol. VI, pp. 61-62, 75-76, 131-33, 154-56 | 687 |
| Testimony of Phil McGregor | |
| Trial Transcript, Vol. VII, pp. 4-28 | 694 |
| Testimony of Marcia Borowski | |
| Trial Transcript, Vol. VII, pp. 83-84, 91, 93-96, 99-103 | 711 |
| Testimony of Lila Parker | |
| Trial Transcript, Vol. VII, pp. 136-41 | 719 |
| Testimony of Roger Mills | |
| Trial Transcript, Vol. VII, pp. 190-94, 200-08 | 723 |
| Testimony of Stephen Parker Cole | |
| Trial Transcript, Vol. VIII, pp. 8-81 | 733 |
| Testimony of Robert A. Dentler | |
| Trial Transcript, Vol. IX, pp. 24-124 | |
| Trial Transcript, Vol. X, pp. 113-122 | 785 |
| Testimony of Frances Pauley | |
| Trial Transcript, Vol. X, pp. 147-51, 153 | 860 |
| Testimony of Melvin Johnson | |
| Trial Transcript, Vol. XI, pp. 35, 133-34, 137-44 | 864 |




## PLAINTIFF'S EXHIBIT 22

REPORT OF M-to-M TRANSFERS—October 2, 1978

| Name of School | 1977-78 | 1978-79 | Total Number |
|---|---|---|---|
| Hooper Alexander | 2 | 0 | 2 |
| Allgood | 0 | 0 | 0 |
| Ashford Park | 0 | 0 | 0 |
| Atherton | 0 | 0 | 0 |
| Austin | 0 | 0 | 0 |
| Avondale Elementary | 0 | 6 | 6 |
| Briarlake | 4 | 6 | 10 |
| Briar Vista | 1 | 1 | 2 |
| Brockett | 0 | 0 | 0 |
| Canby Lane | 6 | 12 | 18 |
| Murphey Candler | 0 | 0 | 0 |
| Cedar Grove Elem. | 21 | 35 | 56 |
| Chapel Hill | 2 | 0 | 2 |
| Chestnut | 0 | 0 | 0 |
| Clifton | 0 | 0 | 0 |
| Columbia Elementary | 5 | 0 | 5 |
| Dresden | 0 | 0 | 0 |
| Dunaire | 0 | 0 | 0 |
| Dunwoody Elementary | 0 | 0 | 0 |
| Evansdale | 1 | 0 | 1 |
| Fairington | 5 | 2 | 7 |
| Fernbank | 58 | 92 | 150 |
| Flat Shoals | 0 | 0 | 0 |
| Forrest Hills | 4 | 4 | 8 |
| Glen Haven | 0 | 3 | 3 |
| Gresham Park | 0 | 0 | 0 |
| Hambrick | 0 | 1 | 1 |
| Hawthorne | 2 | 0 | 2 |
| Henderson Mill | 0 | 0 | 0 |
| Hightower | 2 | 0 | 2 |
| Huntley Hills | 0 | 0 | 0 |
| Idlewood | 0 | 0 | 0 |
| Indian Creek | 1 | 0 | 1 |
| Jolly | 0 | 0 | 0 |
| Kelley Lake | 0 | 0 | 0 |
| Kingsley | 0 | 0 | 0 |
| Knollwood | 0 | 0 | 0 |
| Laurel Ridge | 1 | 0 | 1 |
| Livsey | 0 | 0 | 0 |
| McLendon | 0 | 0 | 0 |
| Bob Mathis | 44 | 20 | 64 |
| Meadowview | 0 | 0 | 0 |
| Medlock | 0 | 0 | 0 |

| Name of School | 1977-78 | 1978-79 | Total Number |
|---|---|---|---|
| Midvale | 0 | 0 | 0 |
| Midway | 11 | 6 | 17 |
| Montclair | 0 | 0 | 0 |
| Montgomery | 0 | 0 | 0 |
| Nancy Creek | 0 | 0 | 0 |
| Northwoods | 0 | 0 | 0 |
| Oakcliff | 0 | 0 | 0 |
| Oak Grove | 1 | 16 | 17 |
| Peachcrest | 7 | 1 | 8 |
| Pleasantdale | 0 | 0 | 0 |
| Rainbow | 29 | 15 | 44 |
| Redan Elementary | 0 | 4 | 4 |
| Rehoboth | 0 | 0 | 0 |
| Cary Reynolds | 0 | 0 | 0 |
| Rock Chapel | 0 | 2 | 2 |
| Rockbridge | 0 | 2 | 2 |
| Rowland | 0 | 1 | 1 |
| Sagamore Hills | 2 | 0 | 2 |
| Shallowford | 0 | 0 | 0 |
| Sky Haven | 0 | 0 | 0 |
| Skyland | 0 | 0 | 0 |
| Smoke Rise | 1 | 0 | 1 |
| Snapfinger | 33 | 0 | 33 |
| Leslie J. Steele | 0 | 0 | 0 |
| Stone Mill | 0 | 0 | 0 |
| Stone Mountain Elem. | 0 | 0 | 0 |
| Stoneview | 0 | 0 | 0 |
| Terry Mill | 0 | 0 | 0 |
| Tilson | 0 | 0 | 0 |
| Toney | 0 | 0 | 0 |
| Tucker Elementary | 0 | 0 | 0 |
| Vanderlyn | 0 | 0 | 0 |
| Wadsworth | 1 | 0 | 1 |
| Warren | 0 | 2 | 2 |
| Woodridge | 0 | 0 | 0 |
| Woodward | 0 | 0 | 0 |
| | 259 | 216 | 475 |
| HIGH SCHOOLS | | | |
| Avondale High | 87 | 66 | 153 |
| Briarcliff | 1 | 2 | 3 |
| Cedar Grove High | 58 | 134 | 192 |
| Chamblee | 0 | 0 | 0 |
| Clarkston | 3 | 5 | 8 |
| Columbia High | 6 | 0 | 6 |



| Name of School | 1977-78 | 1978-79 | Total Number |
|---|---|---|---|
| Cross Keys | 0 | 0 | 0 |
| Druid Hills | 32 | 21 | 53 |
| Dunwoody High | 0 | 0 | 0 |
| Gordon | 0 | 0 | 0 |
| Henderson | 0 | 0 | 0 |
| Lakeside | 1 | 4 | 5 |
| Lithonia | 5 | 1 | 6 |
| Peachtree | 0 | 0 | 0 |
| Redan High | 9 | 14 | 23 |
| Sequoyah | 1 | 0 | 1 |
| Shamrock | 1 | 0 | 1 |
| Southwest DeKalb | 66 | 199 | 265 |
| Stone Mountain High | 1 | 1 | 2 |
| Towers | 19 | 14 | 33 |
| Tucker High | 0 | 3 | 3 |
| Walker | 0 | 0 | 0 |
| | 290 | 464 | 754 |
| GRAND TOTAL: | | | 1229 |

HIGH SCHOOLS

| | White Students | Black Students | Total Enrollment ** | Total M/M Students | % M/M Transported | % Black Residents | Total Black Students |
|---|---|---|---|---|---|---|---|
| Avondale | 835 | 807 | 1651 | 152 | 9% | 40% | 49%* |
| Briarcliff | 949 | 24 | 1015 | 3 | .3% | 2% | 2% |
| Cedar Grove | 564 | 534 | 1107 | 182 | 16% | 32% | 48%* |
| Chamblee | 1355 | 91 | 1461 | 0 | 0 | 6% | 6% |
| Clarkston | 1387 | 95 | 1507 | 9 | .6% | 6% | 6% |
| Columbia | 203 | 1532 | 1750 | 6 | .3% | 87% | 87%* |
| Cross Keys | 1212 | 59 | 1358 | 0 | 0 | 4% | 4% |
| Druid Hills | 778 | 130 | 932 | 47 | 5% | 9% | 14% |
| Dunwoody | 2005 | 4 | 2017 | 0 | 0 | .2% | .2% |
| Gordon | 10 | 1512 | 1523 | 0 | 0 | 99% | 99% |
| Henderson | 1892 | 3 | 1914 | 1 | .05% | .1% | .2% |
| Lakeside | 1767 | 24 | 1815 | 4 | .2% | 1% | 1% |
| Lithonia | 937 | 304 | 1243 | 6 | .5% | 24% | 24% |
| Peachtree | 1812 | 17 | 1842 | 0 | 0 | .9% | .9% |
| Redan | 1676 | 94 | 1786 | 23 | 1% | 4% | 5% |
| Sequoyah | 1363 | 10 | 1412 | 1 | .07% | .6% | .7% |
| Shamrock | 1737 | 71 | 1839 | 0 | 0 | 4% | 4% |
| Southwest DeKalb | 1398 | 542 | 1958 | 262 | 13% | 14% | 28%* |
| Stone Mountain | 1823 | 55 | 1899 | 2 | .01% | 3% | 3% |
| Towers | 1290 | 364 | 1671 | 37 | 2% | 20% | 22% |
| Tucker | 1810 | 27 | 1847 | 5 | .2% | 1% | 1% |
| Walker | 131 | 1492 | 1628 | 0 | 0 | 92% | 92% |

* High Schools affected by proposed plan

** Other minority shown only in total enrollment figures



ELEMENTARY SCHOOLS

| | White Students | Black Students | Total Enrollment | Total M/M Students | % of M/M Transported | % of Black Residents | Total Black Students |
|---|---|---|---|---|---|---|---|
| Hooper Alexander | 74 | 450 | 527 | 2 | .3% | 85% | 85%* |
| Allgood | 737 | 0 | 752 | 0 | 0 | 0 | 0 |
| Ashford Park | 496 | 26 | 534 | 0 | 0 | 5% | 5% |
| Atherton | 470 | 33 | 512 | 0 | 0 | 6% | 6% |
| Austin | 699 | 1 | 702 | 0 | 0 | .1% | .1% |
| Avondale | 372 | 267 | 657 | 3 | .5% | 40% | 41%* |
| Briarlake | 408 | 12 | 427 | 6 | 1.4% | 1.4% | 3% |
| Briar Vista | 447 | 18 | 520 | 1 | .1% | 3% | 3% |
| Brockett | 530 | 0 | 533 | 0 | 0 | 0 | 0 |
| Canby Lane | 383 | 297 | 684 | 18 | 3% | 40% | 43%* |
| Murphey Candler | 514 | 65 | 580 | 0 | 0 | 12% | 12% |
| Cedar Grove | 341 | 407 | 754 | 73 | 10% | 44% | 54%* |
| Chapel Hill | 431 | 298 | 732 | 3 | .4% | 40% | 41%* |
| Chesnut | 533 | 2 | 540 | 0 | 0 | .4% | .4% |
| Clifton | 14 | 547 | 563 | 0 | 0 | 97% | 97% |
| Columbia | 124 | 643 | 775 | 2 | .3% | 83% | 83%* |
| Dresden | 549 | 12 | 575 | 0 | 0 | 2% | 2% |
| Dunaire | 426 | 17 | 460 | 0 | 0 | 4% | 4% |
| Dunwoody | 724 | 0 | 731 | 0 | 0 | 0 | 0 |
| Evansdale | 428 | 0 | 429 | 0 | 0 | 0 | 0 |
| Fairington | 552 | 77 | 639 | 7 | 1% | 11% | 12% |
| Fernbank | 555 | 175 | 747 | 134 | 18% | 6% | 23% |
| Flat Shoals | 15 | 753 | 768 | 0 | 0 | 98% | 98% |
| Forrest Hills | 203 | 104 | 311 | 7 | 2% | 31% | 33%* |

| | White Students | Black Students | Total Enrollment | Total M/M Students | % of M/M Transported | % of Black Residents | Total Black Students |
|---|---|---|---|---|---|---|---|
| Glen Haven | 338 | 64 | 420 | 3 | .7% | 14% | 15% |
| Gresham Park | 80 | 713 | 793 | 0 | 0 | 90% | 90% |
| Hambrick | 579 | 2 | 585 | 1 | .15% | .15% | .3% |
| Hawthorne | 496 | 5 | 513 | 1 | .2% | .8% | 1% |
| Henderson Mill | 405 | 1 | 409 | 0 | 0 | .2% | .2% |
| Hightower | 662 | 39 | 719 | 2 | .3% | 5% | 5% |
| Huntley Hills | 441 | 37 | 485 | 0 | 0 | 8% | 8% |
| Idlewood | 662 | 30 | 703 | 0 | 0 | 4% | 4% |
| Indian Creek | 632 | 125 | 768 | 1 | .1% | 16% | 16% |
| Jolly | 607 | 26 | 653 | 0 | 0 | 4% | 4% |
| Kelley Lake | 8 | 709 | 719 | 0 | 0 | 99% | 99% |
| Kingsley | 657 | 0 | 0 | 0 | 0 | 0 | 0 |
| Knollwood | 92 | 446 | 549 | 0 | 0 | 81% | 81% |
| Laurel Ridge | 409 | 12 | 443 | 1 | .2% | 3% | 3% |
| Livsey | 407 | 0 | 410 | 0 | 0 | 0 | 0 |
| McLendon | 716 | 98 | 832 | 0 | 0 | 12% | 12% |
| Bob Mathis | 301 | 258 | 566 | 53 | 10% | 36% | 46%* |
| Meadowview | 143 | 400 | 543 | 0 | 0 | 74% | 74% |
| Medlock | 312 | 81 | 410 | 0 | 0 | 20% | 20% |
| Midvale | 582 | 1 | 593 | 0 | 0 | .2% | .2% |
| Midway | 372 | 67 | 444 | 18 | 4% | 11% | 15% |
| Montclair | 296 | 9 | 321 | 0 | 0 | 3% | 3% |
| Montgomery | 686 | 87 | 779 | 0 | 0 | 11% | 11% |
| Nancy Creek | 580 | 6 | 601 | 0 | 0 | 1% | 1% |
| Northwoods | 387 | 23 | 425 | 0 | 0 | 5% | 5% |
| Oakcliff | 612 | 12 | 669 | 0 | 0 | 2% | 2% |



| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Oak Grove | 448 | 23 | 478 | 14 | 3% | 2% | 5% |
| Peachcrest | 277 | 218 | 502 | 8 | 1% | 42% | 43%* |
| Pleasantdale | 331 | 0 | 336 | 0 | 0 | 0 | 0 |
| Rainbow | 453 | 299 | 756 | 53 | 7% | 33% | 40%* |
| Redan | 817 | 34 | 860 | 4 | .5% | 3% | 4% |
| Rehoboth | 384 | 2 | 390 | 0 | 0 | .5% | .5% |
| Cary Reynolds | 472 | 21 | 516 | 0 | 0 | 4% | 4% |
| Rock Chapel | 412 | 16 | 430 | 2 | .5% | 3% | 4% |
| Rockbridge | 908 | 3 | 927 | 2 | .2% | .1% | .3% |
| Rowland | 632 | 11 | 654 | 2 | .3% | 1.3% | 2% |
| Sagamore Hills | 464 | 6 | 477 | 2 | .4% | .8% | 1% |
| Shallowford | 578 | 1 | 579 | 0 | 0 | .2% | .2% |
| Sky Haven | 36 | 904 | 945 | 0 | 0 | 96% | 96% |
| Skyland | 488 | 6 | 523 | 0 | 0 | .2% | .2% |
| Smoke Rise | 726 | 38 | 776 | 0 | 0 | 5% | 5% |
| Snapfinger | 163 | 670 | 845 | 33 | 4% | 75% | 79%* |
| Leslie J. Steele | 75 | 601 | 677 | 0 | 0 | 89% | 89% |
| Stone Mill | 564 | 7 | 580 | 0 | 0 | 1% | 1% |
| Stone Mountain | 714 | 80 | 799 | 0 | 0 | 10% | 10% |
| Stoneview | 436 | 289 | 725 | 0 | 0 | 40% | 40% |
| Terry Mill | 3 | 626 | 632 | 0 | 0 | 99% | 99% |
| Tilson | 2 | 705 | 707 | 0 | 0 | 100% | 100% |
| Toney | 14 | 930 | 948 | 0 | 0 | 98% | 98% |
| Tucker | 464 | 1 | 471 | 0 | 0 | .2% | .2% |
| Vanderlyn | 674 | 9 | 687 | 0 | 0 | 1% | 1% |
| Wadsworth | 59 | 466 | 529 | 1 | .2% | 88% | 88%* |
| Warren | 385 | 7 | 408 | 0 | 0 | 2% | 2% |
| Woodridge | 748 | 11 | 778 | 0 | 0 | 1% | 1% |
| Woodward | 371 | 42 | 483 | 1 | .2% | 8.3% | 9% |

* Schools affected by proposed plan

## PLAINTIFF'S EXHIBIT 23

### M TO M

### HIGH SCHOOLS

| | | | |
|---|---|---|---|
| Avondale | 82 | Redan | 130 |
| Briarcliff | 73 | Sequoyah | 12 |
| Cedar Grove | 113 | Shamrock | 18 |
| Clarkston | 7 | Southwest DeKalb | 173 |
| Columbia | 3 | Stone Mountain | 9 |
| Cross Keys | 10 | Towers | 300 |
| Druid Hills | 175 | Tucker | 9 |
| Henderson | 8 | Walker | 1 |
| Lakeside | 49 | | |
| Lithonia | 30 | | 1,202 |



### ELEMENTARY SCHOOLS

| | | | |
|---|---|---|---|
| Atherton | 12 | Montgomery | 1 |
| Avondale | 42 | Northwoods | 1 |
| Briarlake | 17 | Redan | 15 |
| Briar Vista | 11 | Rehoboth | 1 |
| Canby Lane | 9 | Rockbridge | 2 |
| Murphy Candler | 4 | Rock Chapel | 2 |
| Cedar Grove | 22 | Rowland | 2 |
| Chapel Hill | 2 | Sagamore Hills | 27 |
| Chesnut | 4 | Smokerise | 5 |
| Columbia | 1 | Snapfinger | 17 |
| Dresden | 3 | Stone Mill | 3 |
| Dunaire | 10 | Stone Mountain | 4 |
| Dunwoody | 5 | Stone Mountain | 4 |
| Evansdale | 2 | Stoneview | 7 |
| Fairington | 94 | Vanderlyn | 4 |
| Fernbank | 214 | Wadsworth | 1 |
| Forrest Hills | 19 | Warren | 4 |
| Glen Haven | 26 | Woodridge | 2 |
| Hawthorne | 6 | Woodward | 3 |
| Henderson Mill | 11 | Oak Grove | 21 |
| Indian Creek | 31 | Peachcrest | 3 |
| Jolly | 5 | Pleasantdale | 2 |
| Laurel Ridge | 3 | Rainbow | 27 |
| Bob Mathis | 40 | | |
| Medlock | 9 | | 807 |
| Midway | 47 | | |

1,202
807
2,009

9/16/80

M TO M TRANSFERS

1980-81

SENDING - HIGH SCHOOLS

| From | To | Grades 9-12 | | New 8th Graders | |
|---|---|---|---|---|---|
| Avondale | | Cross Keys (4)<br>Briarcliff (1) | | Towers (3)<br>Druid Hills (2) | |
| 10 | | | | | |
| Briarcliff | | Avondale (1) | | | |
| 1 | | | | | |
| Cedar Grove | | Towers (4)<br>Lakeside (4)<br>Druid Hills (2) | | Druid Hills (2)<br>Lakeside (5)<br>Towers (1) | Henderson (1)<br>Lithonia (1)<br>Briarcliff (1) |
| 21 | | | | | |
| Columbia | | Lakeside (3)<br>Towers (24) 6<br>Sequoyah (10)<br>Lithonia (3)<br>Shamrock (1) | Henderson (3)<br>Tucker (2)<br>Druid Hills (8)<br>Briarcliff ~~(2)~~ 3<br>Cross Keys (1) | Lakeside (6)<br>Druid Hills (8)<br>Towers (28)<br>Shamrock (1)<br>Southwest DeKalb ~~(1)~~ 2 | Redan (2)<br>Tucker (1)<br>Briarcliff (2)<br>Henderson (2) |
| -108 40<br>112 | | | | | |
| Gordon | | Druid Hills (12)<br>Towers ~~(19)~~ 22<br>Lakeside (6)<br>Lithonia (4) | Shamrock (3)<br>Briarcliff ~~(13)~~ 17<br>Tucker (1)<br>Cross Keys (2) | Briarcliff ~~(7)~~ 3<br>Lakeside (2)<br>Shamrock (4)<br>Southwest DeKalb (4) | Towers ~~(50)~~ 51<br>Druid Hills ~~(45)~~ 46 |
| ~~174~~ 177<br>185 | | | | | |
| Lithonia | | | | Cedar Grove (1) | |
| 1 | | | | | |
| Redan | | Avondale (1) | | | |
| 1 | | | | | |
| Towers | | Avondale ~~(1)~~ 5 | | | |
| ~~1~~ 5 | | | | | |
| Walker | | Towers (13) 14<br>Lithonia (1)<br>Henderson (1)<br>Briarcliff (2) 3 | Druid Hills (7) 7<br>Sequoyah (1)<br>Lakeside (1)<br>Shamrock (1) | Lakeside (12)<br>Druid Hills (16)<br>Briarcliff (20)<br>Shamrock (2)<br>Southwest DeKalb (5)<br>Henderson (1) | Cross Keys (2)<br>Towers (25)<br>Lithonia (6) 7<br>Sequoyah (1) |
| 117<br>127 | | | | | |
| Shamrock | | Avondale (1) | | | |
| 1 | | | | | |

SENDING 1980-81

ELEMENTARY

| From | To | | 7th Graders |
|---|---|---|---|
| Hooper Alexander<br>~~15~~ 14 15 | Midway (5)<br>Briar Vista (1) | | Towers (3)<br>Druid Hills (1) |
| Avondale<br>3 | | | Towers (2)<br>Druid Hills (1) |
| Canby Lane<br>~~9~~ 10 | Sagamore Hills (1)<br>Jolly (1)<br>Henderson Mill (2)<br>Glen Haven (1) | Midway (1)<br>Indian Creek (1)<br>Fernbank (1)<br>Rowland (1)<br>Smoke [illegible] (1) | |
| Cedar Grove<br>11 | Briarlake (1)<br>Midway (1) | Fairington (2) | Druid Hills (3)<br>Lakeside (4) |
| Chapel Hill<br>14 | Evansdale (2)<br>Sagamore Hills (7) | Montgomery (1)<br>Fairington (1) | Henderson (1)<br>Lakeside (1)<br>Towers (1) |
| Clifton<br>30 | Vanderlyn (2)<br>Dunwoody (2)<br>Indian Creek (1)<br>Fairington (5) | Stoneview (1)<br>Sagamore Hills (1)<br>Jolly (1)<br>Briar Vista (1) | Briarcliff (1) Lithonia (1)<br>Druid Hills (4)<br>Towers (9)<br>Lakeside (1) |
| Columbia<br>~~33~~ 34 | Sagamore Hills (3)<br>Dunwoody (1)<br>Midway (3)<br>Indian Creek (1)<br>Henderson Mill (1) | Fairington (8)<br>Briarlake (4)<br>Briar Vista (2)<br>Atherton ~~(2)~~ 3<br>Fernbank (1) | Lakeside (3)<br>Shamrock (1)<br>Southwest DeKalb (1)<br>Druid Hills (1)<br>Briarcliff (1) |
| Flat Shoals<br>~~35~~ ~~36~~ 39 | Sagamore Hills (3)<br>Oak Grove (1)<br>Avondale (1) 3<br>Henderson Mill (2)<br>[illegible] (1) | Glen Haven (1)<br>Fairington ~~(3)~~ 4 5<br>Briarlake (1) | Lakeside (2) Druid Hills (1)<br>Briarcliff (5) Towers (7)<br>Lithonia (3) Shamrock (1)<br>Southwest DeKalb (4) |

| | | | |
|---|---|---|---|
| Gresham Park | Smoke Rise (2) | Midway (2) | Southwest DeKalb (1) Towers (7) |
| ~~11~~ 14 | Briar Vista (1) | Indian Creek (1) | Cross Keys (2) Druid Hills (4) |
| | Fairington (4) | Chesnut (1) | Briarcliff (13) |
| | Oak Grove (1) | Stone Mountain (1) | |
| | Lakeside (1) | | |

| | | | |
|---|---|---|---|
| Kelley Lake | Sagamore Hills (3) | Indian Creek (3) | Briarcliff (5) |
| ~~36~~ 37 40 | Dunaire (2) | Avondale (4) | Towers (9) |
| | Fairington (6) 7 | Glen Haven (1) | Southwest DeKalb (3) |
| | Stonebrook (1) | | |

| | | | |
|---|---|---|---|
| Knollwood | Avondale (7) | Laurel Ridge (1) | Towers (2) |
| | Midway (1) | Medlock (1) | Druid Hills (1) |
| 19 | Indian Creek (2) | Atherton (1) | |
| | Fairington (3) | | |

| | | | |
|---|---|---|---|
| Bob Mathis | Sagamore Hills (2) | Fairington (2) | Druid Hills (1) |
| | Forrest Hills (1) | Stone Mountain (1) | Southwest DeKalb (1) |
| 8 | | | |

| | | | |
|---|---|---|---|
| Meadowview | Forrest Hills (1) | | Druid Hills (5) Lakeside (6) |
| ~~19~~ ~~20~~ 21 | Glen Haven (2) | | Sequoyah (1) Briarcliff (1) |
| | Stoneview (1) | | Lithonia (1) Towers (1) |
| | Deshon Woods (2) | | |

| | | | |
|---|---|---|---|
| Peachcrest | Fairington (2) | | Lakeside (1) |
| ~~5~~ 7 11 | Glen Haven (2) 4 | | |
| | Stonebrook (4) | | |

| | | | |
|---|---|---|---|
| Rainbow | Sagamore Hills (~~5~~) 6 | Fernbank (1) | |
| ~~12~~ 14 15 | Fairington (6) 7 | | |
| | Stonebrook (1) | | |

| | | | |
|---|---|---|---|
| Sky Haven | Sagamore Hills (1) | Fairington (5) 6 | Lithonia (2) Towers (2) |
| ~~21~~ 22 | Indian Creek (2) | Briarlake (1) | Lakeside (4) Shamrock (1) |
| | Fernbank (1) | | Druid Hills (2) |

| | | | |
|---|---|---|---|
| Snapfinger | Warren (1) | Fairington (2) | Briarcliff (1) Towers (10) |
| ~~21~~ 23 | Oak Grove (1) | SmokeRise (1) | Tucker (1) Lakeside (1) |
| | Glen Haven (2) | | Druid Hills (1) |
| | Overlake (1) | | Cedar Grove (1) |

| | | | |
|---|---|---|---|
| Stoneview | | | Cedar Grove (1). |
| 1 | | | |
| erry Mill | Dresden (1) | Briar Vista (1) | Towers (21) |
| | Woodward (2) | Glen Haven (4) | Lithonia (1) |
| 47 | Forrest Hills (2) | Oak Grove (1) | Druid Hills (8) |
| | Fairington (2) | Atherton (3) | Briarcliff (1) |
| L.J.Steele | Avondale (6) | Fairington (6) | Towers (8) Lakeside (1) |
| | Oak Grove (1) | Indian Creek (1) | Druid Hills (21) ? ? |
| 53 | Fernbank(4) | Dunwoody (1) | Southwest DeKalb (2) |
| | | | Shamrock (2) |
| Tilson | Atherton (1) | Fairington ~~(2)~~ 4 | Towers (17) |
| | Avondale (1) | Dunaire (2) | Briarcliff (2) |
| ~~46~~ ~~47~~ | Midway (2) | Forrest Hills (1) | Lithonia (1) |
| 50 ~~49~~ | Woodward (1) | Briarlake (2) | Druid Hills (11) |
| | Fernbank (1) | Briarwood (1) | Shamrock (2) |
| | [illegible] (1) | | |
| Toney | Henderson Mill (3) | Chesnut (2) | Druid Hills (5) |
| | Fairington (6) | Midway (2) | Towers (11) |
| ~~47~~ 49 | Glen Haven (6) | Avondale (8) | Lakeside (1) |
| | Forrest Hills (2) | Dresden (1) | [illegible] (1) |
| Wadsworth | Medlock (1) | Dunaire (4) | Henderson (2) |
| | Fairington (4) | Avondale (1) | Towers (3) |
| 19 | Glen Haven (1) | Atherton (1) | Redan (2) |
| Fairington | | | Lithonia (1) |
| 1 | | | |

DEKALB COUNTY SCHOOLS
ELEMENTARY M TO M 1980-1981

TRANSPORTATION DEPARTMENT

LIST OF SENDING SCHOOLS AND THE RECEIVING SCHOOL WHICH THEY SERVE.

| SENDING SCHOOLS | RECEIVING SCHOOLS |
|---|---|
| 1. Hooper Alexander Elementary | Avondale Elementary<br>Briarlake Elementary<br>Fernbank Elementary<br>Indian Creek Elementary<br>Laurel Ridge Elementary<br>Midway Elementary<br>Oak Grove Elementary<br>Sagamore Hills Elementary<br>Forrest Hills Elementary |
| 2. Canby Lane Elementary | Chestnut Elementary<br>Fairington Elementary<br>Henderson Mill Elementary<br>Indian Creek Elementary<br>Jolly Elementary<br>Rowland Elementary<br>Midway Elementary<br>Fernbank Elementary |
| 3. Cedar Grove Elementary | Fairington Elementary<br>Bob Mathis Elementary |
| 4. Chapel Hill Elementary | Fernbank Elementary<br>Evansdale Elementary<br>Sagamore Hills Elementary<br>Fairington Elementary |
| 5. Clifton Elementary | Briar Vista Elementary<br>Cedar Grove Elementary<br>Dunwoody Elementary<br>Fairington Elementary<br>Redan Elementary<br>Forrest Hills Elementary<br>Fernbank Elementary<br>Jolly Elementary<br>Bob Mathis Elementary<br>Northwoods Elementary<br>Glen Haven Elementary<br>Vanderlyn Elementary<br>Sagamore Hills Elementary |

| SENDING SCHOOLS | RECEIVING SCHOOLS |
|---|---|
| 6. Columbia Elementary | Atherton Elementary<br>Avondale Elementary<br>Briarlake Elementary<br>Briar Vista Elementary<br>Dunwoody Elementary<br>Fairington Elementary<br>Fernbank Elementary<br>Indian Creek Elementary<br>Bob Mathis Elementary<br>Midway Elementary<br>Oak Grove Elementary<br>Rainbow Elementary<br>Redan Elementary<br>Sagamore Hills Elementary<br>Stone Mountain Elementary<br>Wadsworth Elementary |
| 7. Flat Shoals Elementary | Briarlake Elementary<br>Cedar Grove Elementary<br>Dresden Elementary<br>Fairington Elementary<br>Fernbank Elementary<br>Glen Haven Elementary<br>Henderson Mill Elementary<br>Bob Mathis Elementary<br>Midway Elementary<br>Oak Grove Elementary<br>Rainbow Elementary<br>Sagamore Hills Elementary |
| 8. Gresham Park Elementary | Atherton Elementary<br>Avondale Elementary<br>Briar Vista Elementary<br>Fairington Elementary<br>Fernbank Elementary<br>Indian Creek Elementary<br>Bob Mathis Elementary<br>Medlock Elementary<br>Oak Grove Elementary<br>Rainbow Elementary<br>Smoke Rise Elementary<br>Stone Mountain Elementary<br>Midway Elementary<br>Sagamore Hills Elementary<br>Cedar Grove Elementary |
| 9. Kelly Lake Elementary | Avondale Elementary<br>Murphy Candler Elementary<br>Dunaire Elementary<br>Fairington Elementary |



| SENDING SCHOOLS | RECEIVING SCHOOLS |
|---|---|
| 9. Kelly Lake Elementary—Con't | Fernbank Elementary<br>Glen Haven Elementary<br>Indian Creek Elementary<br>Bob Mathis Elementary<br>Peachcrest Elementary<br>Redan Elementary<br>Sagamore Hills Elementary<br>Stoneview Elementary<br>Briarlake Elementary<br>Snapfinger Elementary<br>Forrest Hills Elementary |
| 10. Knollwood Elementary | Laurel Ridge Elementary<br>Atherton Elementary<br>Avondale Elementary<br>Dunaire Elementary<br>Fairington Elementary<br>Fernbank Elementary<br>Hawthorne Elementary<br>Bob Mathis Elementary<br>Medlock Elementary<br>Midway Elementary<br>Rainbow Elementary<br>Stone Mill Elementary<br>Woodridge Elementary |
| 11. Bob Mathis Elementary | Stone Mountain Elementary<br>Rehoboth Elementary<br>Fairington Elementary<br>Sagamore Hills Elementary<br>Forrest Hills Elementary<br>Midway Elementary |
| 12. Meadowview Elementary | Cedar Grove Elementary<br>Fernbank Elementary<br>Glen Haven Elementary<br>Hawthorne Elementary<br>Bob Mathis Elementary<br>Stoneview Elementary<br>Fairington Elementary<br>Atherton Elementary<br>Indian Creek Elementary<br>Forrest Hills Elementary |
| 13. Peachcrest Elementary | Glen Haven Elementary<br>Snapfinger Elementary<br>Fairington Elementary |
| 14. Rainbow Elementary | Fairington Elementary<br>Fernbank Elementary<br>Bob Mathis Elementary |

| SENDING SCHOOLS | RECEIVING SCHOOLS |
|---|---|
| 14. Rainbow Elementary—Cont'd | Pleasantdale Elementary<br>Redan Elementary<br>Snapfinger Elementary<br>Sagamore Hills Elementary |
| 15. Skyhaven Elementary | Avondale Elementary<br>Briarlake Elementary<br>Cedar Grove Elementary<br>Fairington Elementary<br>Indian Creek Elementary<br>Bob Mathis Elementary<br>Oak Grove Elementary<br>Sagamore Hills Elementary |
| 16. Snapfinger Elementary | Briarlake Elementary<br>Fairington Elementary<br>Indian Creek Elementary<br>Bob Mathis Elementary<br>Oak Grove Elementary<br>Smoke Rise Elementary<br>Warren Elementary<br>Forrest Hills Elementary |
| 17. L. J. Steele Elementary | Avondale Elementary<br>Briar Vista Elementary<br>Cedar Grove Elementary<br>Dunwoody Elementary<br>Fernbank Elementary<br>Indian Creek Elementary<br>Bob Mathis Elementary<br>Medlock Elementary<br>Oak Grove Elementary<br>Rainbow Elementary<br>Fairington Elementary |
| 18. Terry Mill Elementary | Atherton Elementary<br>Avondale Elementary<br>Briar Vista Elementary<br>Canby Lane Elementary<br>Cedar Grove Elementary<br>Dresden Elementary<br>Fairington Elementary<br>Fernbank Elementary<br>Glen Haven Elementary<br>Indian Creek Elementary<br>Bob Mathis Elementary<br>Midway Elementary<br>Oak Grove Elementary<br>Redan Elementary<br>Rockbridge Elementary |



| SENDING SCHOOLS | RECEIVING SCHOOLS |
|---|---|
| 18. Terry Mill Elementary—Cont'd | Snapfinger Elementary<br>Woodward Elementary<br>Cedar Grove Elementary |
| 19. Tilson Elementary | Avondale Elementary<br>Briarlake Elementary<br>Briar Vista Elementary<br>Cedar Grove Elementary<br>Canby Lane Elementary<br>Dunaire Elementary<br>Fairington Elementary<br>Fernbank Elementary<br>Jolly Elementary<br>Bob Mathis Elementary<br>Medlock Elementary<br>Midway Elementary<br>Redan Elementary |
| 20. Toney Elementary | Avondale Elementary<br>Canby Lane Elementary<br>Chestnut Elementary<br>Dresden Elementary<br>Fairington Elementary<br>Fernbank Elementary<br>Glen Haven Elementary<br>Indian Creek Elementary<br>Bob Mathis Elementary<br>Medlock Elementary<br>Midway Elementary<br>Peachcrest Elementary<br>Rainbow Elementary<br>Redan Elementary<br>Snapfinger Elementary<br>Warren Elementary<br>Stoneview Elementary<br>Forrest Hills Elementary |
| 21. Wadsworth Elementary | Atherton Elementary<br>Canby Lane Elementary<br>Chapel Hill Elementary<br>Dunaire Elementary<br>Fairington Elementary<br>Fernbank Elementary<br>Glen Haven Elementary<br>Hawthorne Elementary<br>Henderson Mill Elementary<br>Snapfinger Elementary<br>Rainbow Elementary<br>Peachcrest Elementary<br>Medlock Elementary |

**PLAINTIFF'S EXHIBIT 24**

9/27/82 **M TO M TRANSFERS**

**1982-1983**

| RECEIVING SCHOOLS | TOTAL |
|---|---|
| ATHERTON ELEMENTARY | 28 |
| AVONDALE HIGH | 2 |
| BRIARCLIFF HIGH | 143 |
| BRIARLAKE ELEMENTARY | 14 |
| BRIAR VISTA ELEMENTARY | 15 |
| CANBY LANE ELEMENTARY | 1 |
| CLARKSTON HIGH | 28 |
| CROSS KEYS HIGH | 21 |
| DRESDEN ELEMENTARY | 3 |
| DRUID HILLS HIGH | 72 |
| DUNAIRE ELEMENTARY | 20 |
| DUNWOODY ELEMENTARY | 6 |
| FAIRINGTON ELEMENTARY | 61 |
| FERNBANK ELEMENTARY | 84 |
| HAMBRICK ELEMENTARY | 3 |
| HENDERSON HIGH | 18 |
| HENDERSON MILL ELEMENTARY | 26 |
| IDLEWOOD ELEMENTARY | 3 |
| INDIAN CREEK ELEMENTARY | 25 |
| JOLLY ELEMENTARY | 8 |
| LITHONIA HIGH | 119 |
| LAKESIDE HIGH | 174 |
| MAINSTREET ELEMENTARY | 1 |
| McLENDON ELEMENTARY | 1 |
| MEDLOCK ELEMENTARY | 13 |
| MIDWAY ELEMENTARY | 31 |
| MONTCLAIR ELEMENTARY | 4 |
| NANCY CREEK ELEMENTARY | 2 |
| NORTHWOODS ELEMENTARY | 1 |



| RECEIVING SCHOOLS | TOTAL |
|---|---|
| OAKCLIFF ELEMENTARY | 2 |
| OAK GROVE ELEMENTARY | 9 |
| PEACHTREE HIGH | 1 |
| PLEASANTDALE ELEMETARY | 1 |
| REHOBOTH ELEMENTARY | 1 |
| REDAN ELEMENTARY | 2 |
| REDAN HIGH | 7 |
| CARY REYNOLDS ELEMENTARY | 1 |
| ROWLAND ELEMENTARY | 21 |
| SAGAMORE HILLS ELEMENTARY | 30 |
| SEQUOYAH | 7 |
| SHALLOWFORD ELEMENTARY | 1 |
| SHAMROCK HIGH | 34 |
| SKYLAND ELEMENTARY | 1 |
| SMOKE RISE ELEMENTARY | 15 |
| STONE MOUNTAIN ELEMENTARY | 9 |
| STONE MOUNTAIN HIGH | 5 |
| STONEVIEW ELEMENTARY | 3 |
| TOWERS HIGH | 4 |
| TUCKER HIGH | 12 |
| VANDERLYN ELEMENTARY | 1 |
| WARREN ELEMENTARY | 1 |
| WOODWARD ELEMENTARY | 1 |
| TOTAL | 1,096 |

September 27, 1982

1982-83 M TO M TRANSFERS

| Receiving Schools | K | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Avondale High | | | | | | | | | | | 1 | 1 | | 2 |
| Atherton Elementary | 9 | 4 | 3 | 3 | 3 | 3 | 3 | | | | | | | 28 |
| Briarcliff High | | | | | | | | 76 | 20 | 21 | 22 | | 4 | 143 |
| Briarlake Elementary | 3 | 2 | 1 | 1 | 2 | 5 | | | | | | | | 14 |
| Briar Vista Elementary | 3 | 2 | 1 | 1 | 1 | 5 | 2 | | | | | | | 15 |
| Canby Lane Elementary | 1 | | | | | | | | | | | | | 1 |
| Clarkston High | | | | | | | | 23 | 2 | 2 | 1 | | | 28 |
| Cross Keys High | | | | | | | | 9 | 4 | 4 | 4 | | | 21 |
| Dresden Elementary | 1 | | | 1 | | 1 | | | | | | | | 3 |
| Druid Hills High | | | | | | | | 69 | 1 | 1 | 1 | | | 72 |
| Dunaire Elementary | 3 | 6 | 1 | 3 | 3 | 4 | | | | | | | | 20 |
| Dunwoody Elementary | 3 | 1 | 2 | | | | | | | | | | | 6 |
| Fairington Elementary | 10 | 8 | 5 | 5 | 8 | 14 | 7 | 3 | | | | | | 61 |
| Fernbank Elementary | 19 | 15 | 8 | 10 | 12 | 12 | 7 | 1 | | | | | | 84 |
| Hambrick Elementary | 1 | | 1 | | | 1 | | | | | | | | 3 |
| Henderson High | | | | | | | | 12 | 2 | 1 | 3 | | | 18 |
| Hendersen Mill Elem. | 5 | 2 | 4 | 5 | 2 | 4 | 3 | 2 | | | | | | 27 |
| Idlewood Elementary | | | 1 | | 1 | 1 | | | | | | | | 3 |
| Indian Creek Elem. | 4 | 2 | 5 | 2 | 3 | 4 | 4 | 1 | | | | | | 25 |
| Jolly Elementary | 1 | | 1 | 1 | 2 | 2 | | 1 | | | | | | 8 |
| Lakeside High | | | | | | | | 115 | 19 | 21 | 11 | 8 | | 174 |
| Lithonia High | | | | | | | | 76 | 14 | 16 | 11 | 2 | | 119 |
| Mainstreet Elementary | 1 | | | | | | | | | | | | | 1 |
| McLendon Elementary | | | | | | | 1 | | | | | | | 1 |



| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Medlock Elementary | 1 | 4 | 2 | 1 | 1 | 2 | 2 | | | | | | | 13 |
| Midway Elementary | 2 | 3 | 2 | 3 | 6 | 10 | 5 | | | | | | | 31 |
| Montclair Elementary | | | 2 | | 1 | | | 1 | | | | | | 4 |
| Nancy Creek Elementary | | | 1 | | | 1 | | | | | | | | 2 |
| Northwoods Elementary | | | | | | | | 1 | | | | | | 1 |
| Oakcliff Elementary | | 1 | | | 1 | | | | | | | | | 2 |
| Oak Grove Elementary | 3 | 1 | 1 | | 1 | 2 | 1 | | | | | | | 9 |
| Peachtree High | | | | | | | | | | | | 1 | | 1 |
| Pleasantdale Elem. | | | | | | | | 1 | | | | | | 1 |
| Rehoboth Elementary | | | 1 | | | | | | | | | | | 1 |
| Redan Elementary | 2 | | | | | | | | | | | | | 2 |
| Redan High | | | | | | | | 6 | | 1 | | | | 7 |
| Cary Reynolds Elem. | | | | | | | 1 | | | | | | | 1 |
| Rowland Elementary | 4 | 3 | 3 | | 4 | 3 | 3 | 1 | | | | | | 21 |
| Sagamore Hills Elem. | 7 | 3 | 2 | 6 | 3 | 6 | 2 | 1 | | | | | | 30 |
| Sequoyah High | | | | | | | | 4 | | 2 | 1 | | | 7 |
| Shallowford Elementary | | | | 1 | | | | | | | | | | 1 |
| Shamrock High | | | | | | | | 19 | 4 | 3 | 7 | 1 | | 34 |
| Smoke Rise Elementary | | 1 | 5 | | 2 | 6 | 1 | | | | | | | 15 |
| Stone Mountain Elem. | 2 | | 1 | 1 | 3 | | 2 | | | | | | | 9 |
| Stone Mountain High | | | | | | | | 4 | 1 | | | | | 5 |
| Stoneview Elementary | | 1 | | | 1 | | 1 | | | | | | | 3 |
| Towers High | | | | | | | | 3 | 1 | | | | | 4 |
| Tucker High | | | | | | | | 6 | 1 | 2 | 3 | | | 12 |
| Vanderlyn Elementary | | | | | | 1 | | | | | | | | 1 |
| Warren Elementary | 1 | | | | | | | | | | | | | 1 |
| Woodward Elementary | | | | | | | 1 | | | | | | | 1 |
| TOTALS | 86 | 59 | 54 | 44 | 60 | 86 | 46 | 436 | 69 | 74 | 65 | 13 | 4 | 1,096 |

September 27, 1982

1982-83 M TO M TRANSFERS

| Sending Schools | K | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hooper Alexander Elem. | 4 | 1 | 1 | 1 | 2 | 3 | 1 | 3 | | | | | | 16 |
| Atherton Elementary | 1 | | | | | | | 1 | | | | | | 2 |
| Avondale Elementary | | | 2 | 1 | 1 | 1 | 1 | 7 | | | | | | 13 |
| Avondale High | | | | | | | | | 6 | 2 | 2 | | | 10 |
| Briarlake Elementary | | | | | | | | 1 | | | | | | 1 |
| Briar Vista Elementary | | | | | | | | 1 | | | | | | 1 |
| Canby Lane Elementary | 2 | 3 | 1 | | 5 | 2 | 2 | 6 | | | | | | 21 |
| Cedar Grove Elementary | 2 | | | 3 | 1 | 3 | 1 | 7 | | | | | | 17 |
| Cedar Grove High | | | | | | | | | 10 | 15 | 11 | 1 | | 37 |
| Chapel Hill Elementary | 9 | 5 | 9 | 2 | 1 | 8 | 6 | 5 | | | | | | 45 |
| Chestnut Elementary | | | | | | | | 2 | | | | | | 2 |
| Clarkston High | | | | | | | | | | | 1 | | | 1 |
| Clifton Elementary | 6 | 3 | 1 | 2 | 5 | 5 | 3 | 26 | | | | | | 51 |
| Columbia Elementary | 1 | 5 | 10 | 2 | 4 | 12 | 2 | 18 | | | | | | 54 |
| Columbia High | | | | | | | | | 9 | 14 | 12 | 2 | 2 | 39 |
| Dunaire Elementary | | | | | | | | 2 | | | | | | 2 |
| Evansdale Elementary | | | | | | 1 | | | | | | | | 1 |
| Fairington Elementary | | | | | | | | 11 | | | | | | 11 |
| Fernbank Elementary | | | | | | | | 12 | | | | | | 12 |
| Flat Shoals Elem. | 5 | 4 | 1 | 2 | 3 | 1 | 1 | 36 | | | | | | 53 |
| Forrest Hills Elem. | | | | | | | | 3 | | | | | | 3 |
| Glen Haven Elem. | 2 | | | | | | | 2 | | | | | | 4 |
| Gordon High | | | | | | | | | 18 | 19 | 17 | 4 | 1 | 59 |
| Gresham Park Elementary | 6 | 6 | 1 | 6 | 7 | 12 | 5 | 40 | | | | | | 83 |

454

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Indian Creek Elementary | | | | | | | 1 | 6 | | | | | | 7 |
| Kelley Lake Elem. | 4 | 3 | 1 | 1 | | 5 | 1 | 21 | | | | | | 36 |
| Knollwood Elementary | 4 | 1 | 7 | 2 | 3 | | 3 | 4 | | | | | | 24 |
| Laurel Ridge Elem. | | | | | | | | 1 | | | | | | 1 |
| Mainstreet Elementary | | | | | | | | 4 | | | | | | 4 |
| Bob Mathis Elementary | 1 | | | 1 | 1 | 1 | 1 | 6 | | | | | | 11 |
| McLendon Elementary | 1 | | | | | | | | | | | | | 1 |
| Meadowview Elementary | 5 | 1 | | 1 | 3 | 1 | | 13 | | | | | | 24 |
| Medlock Elementary | | | | | | | 2 | 6 | | | | | | 8 |
| Midway Elementary | | 1 | | | | | | 3 | | | | | | 4 |
| Oak Grove Elementary | | | | | | | | 3 | | | | | | 3 |
| Peachcrest Elementary | | | 1 | | 2 | 1 | 1 | 2 | | | | | | 7 |
| Rainbow Elementary | 2 | 4 | 1 | 3 | 3 | 3 | 1 | 5 | | | | | | 22 |
| Redan Elementary | | | | | | | | 3 | | | | | | 3 |
| Cary Reynolds Elem. | | | | | | | | 1 | | | | | | 1 |
| Rockbridge Elem. | | | | | | | | 1 | | | | | | 1 |
| Rowland Elementary | | | | | | | | 1 | | | | | | 1 |
| Sagamore Hills Elem. | | | | | | | | 4 | | | | | | 4 |
| Sky Haven Elementary | 4 | 2 | | 1 | 2 | 4 | 2 | 25 | | | | | | 40 |
| Skyland Elementary | 1 | | | | | | | | | | | | | 1 |
| Smoke Rise Elementary | | | | | | | | 1 | | | | | | 1 |
| Snapfinger Elementary | 2 | 4 | 4 | | 1 | 1 | 1 | 21 | | | | | | 34 |
| Southwest DeKalb High | | | | | | | | | 8 | 4 | 6 | 1 | 1 | 20 |
| Leslie J. Steele Elem. | 3 | 1 | 1 | 2 | | 4 | | 17 | | | | | | 28 |
| Stone Mill Elementary | | | | | | | | 1 | | | | | | 1 |
| Stone Mountain Elem. | | | | | | | | 1 | | | | | | 1 |
| Stoneview Elementary | | | | | | | | 1 | | | | | | 1 |
| Terry Mill Elementary | 7 | 2 | 7 | 3 | 6 | 3 | 4 | 17 | | | | | | 49 |
| Tilson Elementary | 4 | 4 | 1 | 2 | 1 | 4 | 2 | 44 | | | | | | 62 |

455

| Sending Schools | K | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Toney Elementary | 4 | 6 | 2 | 5 | 6 | 5 | 4 | 24 | 6 | 3 | 5 | 1 | | 56 |
| Towers High | | | | | | | | | | | | | | 15 |
| Tucker Elementary | | | | | | | | 1 | | | | | | 1 |
| Wadsworth Elementary | 6 | 3 | 4 | 4 | 3 | 6 | 1 | 14 | 12 | 17 | 10 | 3 | | 41 |
| Walker High | | | | | | | | | | | | | | 42 |
| Woodward Elementary | | | | | | | | 2 | | | | | | 2 |
| TOTALS | 86 | 59 | 54 | 44 | 60 | 86 | 46 | 436 | 69 | 74 | 65 | 13 | 4 | 1,096 |



## DEKALB SCHOOL SYSTEM—MAJORITY TO MINORITY REPORT FOR THE 1982-1983 SCHOOL YEAR

### SENDING SCHOOLS

**Hooper Alexander Elementary**

| | |
|---|---|
| Briarlake | 2 |
| Druid Hills | 1 |
| Clarkston | 1 |
| Fairington | 2 |
| Fernbank | 2 |
| Henderson M. | 1 |
| Indian C. | 2 |
| Medlock | 2 |
| OakGrove | 1 |
| | *14* |

**Avondale Elementary**

| | |
|---|---|
| Druid Hills | 1 |
| Clarkston | 2 |
| Henderson Hi | 1 |
| Indian C. | 3 |
| Lithonia | 1 |
| Midway | 2 |
| Shamrock | 1 |
| | *11* |

**Avondale High**

| | |
|---|---|
| Cross Keys | 6 |
| Clarkston | 1 |
| Lakeside | 1 |
| Lithonia | 1 |
| Shamrock | 2 |
| | *11* |

**Briarlake**

| | |
|---|---|
| Lakeside | 1 |

**Briar Vista**

| | |
|---|---|
| Briarcliff | 1 |

**Canby Lane**

| | |
|---|---|
| Briarcliff | 1 |
| D. Hills | 1 |
| Fairington | 7 |
| Lakeside | 2 |
| Fernbank | 1 |
| Lithonia | 1 |
| Rowland | 9 |
| | *22* |

**Atherton**

| | |
|---|---|
| Redan E. | 1 |
| Sequoyah | 1 |
| | *2* |

**Cedar Grove Elem.**

| | |
|---|---|
| Druid Hills | 2 |
| Clarkston | 1 |
| Dunaire | 1 |
| Fairington | 3 |
| Henderson M. | |
| Lakeside | 4 |
| Lithonia | 1 |
| *Henderson H.* | *1* |
| | *16* |

**Cedar Grove High**

| | |
|---|---|
| Briarcliff | 1 |
| Henderson | 2 |
| Lakeside | 13 |
| Lithonia | 7 |
| Sequoyah | 1 |
| Shamrock | 7 |
| Tucker Hi | 2 |
| | *33* |

**Chapel Hill Elem.**

| | |
|---|---|
| Stoneview | 2 |
| D. Hills | 1 |
| Fairington | 6 |
| Fernbank | 1 |
| Tucker | 1 |
| Henderson M. | 9 |
| Idlewood | 1 |
| Jolly | 1 |
| Lakeside | 1 |
| Lithonia | 1 |
| Sagamore | 7 |
| Shallowford | 1 |
| Smokerise | 2 |
| Rowland | 4 |
| | *38* |

Columbia Elem.
- Shamrock 2
- Smokerise 10
- St. Mountain 1
- Atherton 1
- Medlock 1
- Briarcliff 2
- Briarlake 4
- BriarVista 2
- Hambrick 1
- D. Hills 5
- Clarkston 1
- Dunaire 3
- Indian C. 1
- Fairington 4
- Fernbank 5
- Lakeside 5
- Oakgrove 3
- Cross Keys 1

*52*

Clifton Elem.
- Atherton 1
- Briarcliff 1
- Briar Vista 1
- D. Hills 4
- Lithonia 2
- Fairington 1
- Fernbank 9
- Jolly 3
- Lakeside 13
- Oakgrove 1
- Medlock 1
- Redan E. 1
- Redan H. 1
- Sagamore 2

*41*

Columbia High
- Briarcliff 9
- Cross Keys 1
- Clarkston 4
- Lakeside 6
- Lithonia 9
- Towers 1
- Tucker 1

*31*

Dunaire Elem.
- Clarkston 2

Fairington Elem.
- Clarkston 1
- Lithonia 6

*7*

Fernbank Elem.
- D. Hills *8*
- Lakeside 2
- Shamrock 1

*11*

Flat Shoals Elem.
- Lithonia 21
- Briarcliff 3
- Cross Keys 1
- D. Hills 3
- Dunaire 3
- Fairington 1
- Henderson 3
- Jolly 1
- Lakeside 6
- Redan Hi 1
- Sagamore 4
- Shamrock 1
- St. Mountain 2

*50*

Forrest Hills Elem.
- Shamrock 2
- Lithonia 1

*3*

Glen Haven Elem.
- Atherton 1
- D. Hills 1
- Fernbank 1
- Lithonia 1

*4*

Gordon High
- Briarcliff 21
- Shamrock 1
- Tucker 3
- Cross Keys 3
- Henderson 1
- Lakeside 13
- Lithonia 10
- Sequoyah 2
- St. Mountain 1

*55*



Gresham Park Elem.
- St. Mount. 1
- Woodward 1
- Shamrock 1
- Tucker 1
- Atherton 3
- Briarcliff 20
- BriarVista 3
- D. Hills 3
- Lakeside 10
- Dunaire 2
- Jolly 2
- Redan Hi 2
- Fairington 11
- Fernbank 9
- Sagamore 6
- Nancy Creek 1
- Indian C. 4
- Midway 3
- Lithonia 3
- Sequoyah 1

*87*

Indian Creek Elem.
- Cross Keys 1
- Clarkston 5

*6*

Kelley Lake Elem.
- Lithonia 9
- Atherton 2
- Briarcliff 5
- Briarlake 1
- D. Hills 1
- Lakeside 3
- Idlewood 1
- Clarkston 1
- Fairington 3
- Fernbank 5
- Indian C. 3
- Sagamore 1
- Tucker E. 1
- Tucker Hi 1

*37*

Knollwood Elem.
- St. Mountain 1
- Atherton 1
- Briarcliff 2
- Clarkston 1
- Dunaire 1
- Fernbank 6
- Lithonia 1
- Midway 5
- Nancy C. 1
- Oakcliff 1
- Oakgrove 1
- Smokerise 1
- Fairington 1

*23*

Mainstreet
- Henderson Hi 1
- Lakeside 3

*4*

Bob Mathis
- Atherton 1
- Briarcliff 1
- Fernbank 1
- Lakeside 3
- Montclair 1
- Sagamore 1
- St. Mountain 1

*9*

McLendon Elem.
- Canby Lane 1

Meadowview Elem.
- Atherton 2
- BriarVista 1
- D. Hills 1
- Dunaire 1
- Dunwoody 1
- Fairington 1
- Fernbank 3
- Lakeside 11

*21*

Medlock Elem.
- D. Hills 4
- Clarkston 1
- Lithonia 1
- Shamrock 1

*7*

| | |
|---|---|
| **Midway Elem.** | |
| Braircliff | 1 |
| Lithonia | 2 |
| | *3* |
| **Oakgrove Elem.** | |
| Lakeside | 3 |
| **Peachcrest Elem.** | |
| Fernbank | 1 |
| Lithonia | 2 |
| Midway | 3 |
| | *6* |
| **Rainbow Elem.** | |
| Briarlake | 1 |
| Cross Keys | 1 |
| Dunaire | 4 |
| Fernbank | 5 |
| Henderson Hi | 2 |
| Idlewood | 2 |
| Lakeside | 1 |
| Sagamore | 3 |
| Shamrock | 1 |
| | *20* |
| **Redan Elem.** | |
| Briarcliff | 2 |
| **Redan High** | |
| Avondale | 1 |
| Lithonia | 1 |
| | *2* |
| **Cary Reynolds Elem.** | |
| Cary Reynolds | 1 |
| **Rockbridge Elem.** | |
| St. Mountain | 1 |
| **Sagamore Elem.** | |
| Briarcliff | 1 |
| Lakeside | 2 |
| Lithonia | 1 |
| | *4* |
| **Sky Haven Elem.** | |
| Briarcliff | 6 |
| Dresden | 1 |
| D. Hills | 1 |
| Fairington | 8 |
| Fernbank | 3 |
| Henderson | 1 |
| Lakeside | 11 |
| Lithonia | 2 |
| Redan | 1 |
| Medlock | 1 |
| Sequoyah | 1 |
| | *36* |
| **Snapfinger Elem.** | |
| Briarcliff | 6 |
| Briarlake | 1 |
| Clarkston | 1 |
| Dunaire | 2 |
| Dunwoody | 1 |
| Lakeside | 9 |
| Fernbank | 2 |
| Henderson Hi | 1 |
| Indian C. | 1 |
| Rehoboth | 1 |
| Shamrock | 1 |
| Towers | 2 |
| Sagamore | 2 |
| Oakgrove | 1 |
| Rowland | 1 |
| | *32* |
| **Southwest DeKalb High** | |
| Briarcliff | 4 |
| D. Hills | 1 |
| Henderson | 1 |
| Lakeside | 2 |
| Lithonia | 4 |
| Redan Hi | 1 |
| Shamrock | 2 |
| St. Mountain | 1 |
| | *16* |
| **Leslie J. Steele Elem.** | |
| Shamrock | 1 |
| Atherton | 1 |
| Briarcliff | 2 |
| D. Hills | 3 |
| Cross Keys | 1 |
| Clarkston | 1 |
| Fairington | 1 |
| Fernbank | 4 |
| Indian C. | 2 |
| Lakeside | 8 |
| Medlock | 1 |
| Midway | 2 |
| | *27* |



| | |
|---|---|
| **Stone Mill Elem.** | |
| St. Mountain | 1 |
| **Stoneview Elem.** | |
| Lithonia | 1 |
| **Terry Mill Elem.** | |
| St. Mountain | 2 |
| Atherton | 3 |
| Briarcliff | 7 |
| BriarVista | 1 |
| D. Hills | 3 |
| Dunwoody | 3 |
| Lakeside | 4 |
| Fairington | 2 |
| Fernbank | 13 |
| Clarkston | 1 |
| Hambrick | 1 |
| Indian C. | 1 |
| Montclair | 1 |
| Lithonia | 2 |
| Midway | 2 |
| Shamrock | 1 |
| | *47* |
| **Tilson Elem.** | |
| Midway | 5 |
| Towers | 1 |
| Tucker | 1 |
| Atherton | 1 |
| Briarcliff | 13 |
| Cross Keys | 2 |
| D. Hills | 12 |
| Lithonia | 7 |
| Clarkston | 4 |
| Dunaire | 1 |
| Fairington | 2 |
| Fernbank | 3 |
| Medlock | 1 |
| Lakeside | 3 |
| Shamrock | 1 |
| | *57* |
| **Toney Elem.** | |
| Shamrock | 1 |
| St. Mountain | 1 |
| Stoneview | 1 |
| Tucker Hi | 1 |
| Oakgrove | 1 |
| Sagamore | 1 |
| Briarcliff | 2 |
| BriarVista | 4 |
| D. Hills | 11 |
| Dunaire | 2 |
| Rowland | 1 |
| Fairington | 3 |
| Fernbank | 5 |
| Henderson Hi | 5 |
| Henderson M. | 2 |
| Indian C. | 3 |
| Medlock | 1 |
| Lakeside | 4 |
| Mainstreet | 1 |
| Midway | 4 |
| | *54* |
| **Towers High** | |
| Shamrock | 3 |
| Briarcliff | 1 |
| Henderson | 1 |
| Lakeside | 2 |
| Lithonia | 7 |
| | *14* |
| **Tucker Elem.** | |
| Tucker Hi | 1 |
| **Wadsworth Elem.** | |
| Atherton | *10* |
| Briarlake | 2 |
| BriarVista | 2 |
| D. Hills | 4 |
| Fairington | 7 |
| Fernbank | 4 |
| Lakeside | 4 |
| Lithonia | 2 |
| Midway | 3 |
| Cary Reynolds | 1 |
| Sequoyah | 1 |
| Shamrock | 2 |
| *Medlock* | *2* |
| | *44* |
| **Walker High** | |
| Briarcliff | 15 |
| Cross Keys | 1 |
| Henderson | 1 |
| Lakeside | 12 |
| Lithonia | 7 |
| | *36* |
| **Woodward** | |
| Cross Keys | 1 |
| *TOTAL* | *1009* |

May 7, 1982

1982-83 M TO M TRANSFERS

| Receiving or Following School | K | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Avondale High | | | | | | | | | | | | 1 | | 1 |
| Atherton Elementary | 9 | 4 | 1 | 3 | 3 | 3 | 3 | | | | | | | 26 |
| Briarcliff High | | | | | | | | 73 | 13 | 17 | 18 | | 1 | 122 |
| Briarlake Elementary | 3 | 2 | 1 | 1 | 2 | 5 | | | | | | | | 14 |
| Briar Vista Elementary | 3 | 2 | 1 | 1 | 1 | 3 | 2 | | | | | | | 13 |
| Canby Lane Elementary | 1 | | | | | | | | | | | | | 1 |
| Clarkston High | | | | | | | | 22 | 2 | 2 | 1 | | | 27 |
| Cross Keys High | | | | | | | | 9 | 4 | 3 | 3 | | | 19 |
| Dresden Elementary | 1 | | | | | | | | | | | | | 1 |
| Druid Hills High | | | | | | | | 67 | 1 | | | | | 68 |
| Dunaire Elementary | 3 | 6 | 1 | 3 | 3 | 4 | | | | | | | | 20 |
| Dunwoody Elementary | 3 | 1 | 1 | | | | | | | | | | | 5 |
| Fairington Elementary | 10 | 8 | 4 | 4 | 7 | 13 | 6 | 1 | | | | | | 53 |
| Fernbank Elementary | 19 | 15 | 8 | 10 | 12 | 12 | 7 | | | | | | | 83 |
| Hambrick Elementary | 1 | | 1 | | | | | | | | | | | 2 |
| Henderson High | | | | | | | | 11 | 2 | 1 | 3 | | | 17 |
| Henderson Mill Elem. | 5 | 1 | 3 | 4 | 1 | 2 | 2 | | | | | | | 18 |
| Idlewood Elementary | | | 1 | | 1 | 1 | | | | | | | | 3 |
| Indian Creek Elem. | 3 | 2 | 4 | 2 | 3 | 4 | 3 | | | | | | | 21 |
| Jolly Elementary | 1 | | 1 | 1 | 2 | 2 | | | | | | | | 7 |
| Lakeside High | | | | | | | | 110 | 16 | 20 | 9 | 6 | | 161 |
| Lithonia High | | | | | | | | 72 | 13 | 12 | 11 | | | 108 |
| Mainstreet Elem. | 1 | | | | | | | | | | | | | 1 |

462

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Medlock Elementary | | 3 | 2 | 1 | 1 | 1 | | | | | | | | 8 |
| Midway Elementary | 2 | 3 | 2 | 3 | 5 | 10 | 4 | | | | | | | 29 |
| Montclair Elementary | | | 2 | | 1 | | | 1 | | | | | | 4 |
| Nancy Creek Elem. | | | 1 | | | | | | | | | | | 1 |
| Oakcliff Elementary | | | | | 1 | | | | | | | | | 1 |
| Oak Grove Elementary | 3 | 1 | 1 | | 1 | 2 | 1 | | | | | | | 9 |
| Rehoboth Elementary | | | 1 | | | | | | | | | | | 1 |
| Redan Elementary | 2 | | | | | | | | | | | | | 2 |
| Redan High | | | | | | | | 6 | | 1 | | | | 7 |
| Cary Reynolds Elem. | | | | | | | 1 | | | | | | | 1 |
| Rowland Elementary | 3 | 2 | 2 | | 3 | 3 | 2 | | | | | | | 15 |
| Sagamore Hills Elem. | 7 | 2 | 2 | 6 | 3 | 5 | 2 | | | | | | | 27 |
| Sequoyah High | | | | | | | | 3 | | 2 | 1 | | | 6 |
| Shallowford Elementary | | | | 1 | | | | | | | | | | 1 |
| Shamrock High | | | | | | | | 19 | 4 | 2 | 6 | 1 | | 32 |
| Smoke Rise Elementary | | | 5 | | 2 | 5 | 1 | | | | | | | 13 |
| Stone Mountain Elem. | 2 | | 1 | 1 | 3 | | 2 | | | | | | | 9 |
| Stone Mountain High | | | | | | | | 4 | 1 | | | | | 5 |
| Stoneview Elementary | | 1 | | | 1 | | 1 | | | | | | | 3 |
| Towers High | | | | | | | | 3 | 1 | | | | | 4 |
| Tucker High | | | | | | | | 6 | 1 | 2 | 3 | | | 12 |
| Woodward Elementary | | | | | | | 1 | | | | | | | 1 |
| TOTALS | 82 | 53 | 46 | 41 | 56 | 75 | 38 | 408 | 58 | 62 | 55 | 8 | 1 | 982 |

463

Supplementary

June 4, 1982

1982-83 M TO M TRANSFERS

| Receiving Schools | K | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Atherton Elem. | | 1 | 1 | | | | | | | | | | | |
| Midway Elem. | | | | | 1 | | 1 | | | | | | | |
| Nancy Creek Elem. | | | | | | 1 | | | | | | | | |
| Warren Elem. | 1 | | | | | | | | | | | | | |
| Briarcliff High | | | | | | | | 2 | 1 | | 1 | | | |
| Clarkston High | | | | | | | | 1 | | | | | | |
| Druid Hills High | | | | | | | | 2 | | | | | | |
| Lakeside High | | | | | | | | 2 | 1 | | | 1 | | |
| Lithonia High | | | | | | | | 4 | | 1 | | | | |
| Fairington Elem. | | | 1 | | | | | | | | | | | |
| Sequoyah High | | | | | | | | 1 | | | | | | |
| Medlock | | | | | | | 2 | | | | | | | |
| Henderson High | | | | | | | | 1 | | | | | | |
| SUPPLEMENTARY TOTAL | | | | 27 | | | | | | | | | | |
| | | | | 982 | | | | | | | | | | |
| GRAND TOTAL | | | | 1009 | | | | | | | | | | |



465

PLAINTIFF'S EXHIBIT 25

M-TO-M
MAJORITY
TO
MINORITY
1983-1984

TRANSFER
REGULATIONS
FOR
DEKALB
COUNTY
SCHOOLS

## M-to-M PROGRAM?

The majority-to-minority transfer program was created by the courts as a viable tool for furthering integration. The program has been available to DeKalb County School System students for a number of years. Each DeKalb County School System student, regardless of race, has the right to participate according to his/her individual choice.

Students and their parents are encouraged to discuss the program so that the students may participate if they choose to do so.

## WHAT IS M-to-M TRANSFER?

Any student may transfer from a school where the student's race is in the majority to another school within the DeKalb County School System where his/her race is in the minority.

## HOW ABOUT SPACE FOR TRANSFEREES?

Receiving schools must have available space for transferees. In no instance shall a transferee displace a student previously enrolled in the receiving school.

## HOW DO STUDENTS TRANSFER?

M-to-M transfer forms are available at the student's neighborhood school for the 1983-84 school year. The student's parent(s) or guardian(s) must complete and return the form to the neighborhood school on or before May 1, 1983. Upon approval of a majority-to-minority transfer, the school principal will provide the student with a copy of the form which must be presented to the receiving school by the student on his/her registration day.

## HOW OFTEN MAY STUDENTS TRANSFER?

Any student may exercise a majority-to-minority transfer once during the student's elementary career and



once during the secondary school career. Once a transfer is effected, the transferee need not reapply for the transfer each year after his/her initial transfer.

If the student's race becomes a majority in the receiving school, he/she may

- remain at the receiving school
- return to his/her neighborhood school
- transfer to another school in which his/her race does not comprise more than the majority of the student body.

## STUDENTS WHO MOVE?

Eligible students who move into the school system may transfer under M-to-M at the time of their enrollment.

## SPECIAL EDUCATION AND TRANSFERS?

When a student requests an M-to-M transfer and is in need of special education services, the principal in his/her neighborhood school will verify with the Dept. of Special Services that the student's IEP can be implemented and appropriate services provided at the receiving school and/or another M-to-M school will be recommended to the student and parent where the service is available.

## HOW ABOUT TRANSPORTATION?

1. Students will be picked up at regular school bus stops outside the walking area of the student's neighborhood elementary or high school. (Regular school bus stops are presently established beyond a one-mile radius of each school and inside a mile radius if the residence is more than 1½ miles from the school.)
2. Students who reside inside the walking area will be provided transportation from their neighborhood elementary or high school.

3. Routing of majority-to-minority students will be designed to correspond with the regular transportation program whenever feasible. Provisions for transportation will be determined on an individual basis if extreme distances are requested.

4. Information regarding schedules, bus numbers, and other relevant transportation information will be distributed to each participant prior to the opening of the 1983-1984 school year.

For M-to-M transportation information, please call 934-3610, ext. 111 (Transportation Department).

Schools listed below are eligible for M-to-M transfer by black students.

ELEMENTARY SCHOOLS

*Allgood
Ashford Park
*Atherton
Austin
Briarlake
Briar Vista
Brockett
Murphey Candler
Chesnut
Dresden
Dunaire
Dunwoody
Evansdale
**Fernbank
Hambrick
Hawthorne
Henderson Mill
Hightower
Huntley Hills
Idlewood
Indian Creek
Jolly
Kingsley
Laurel Ridge
Livsey
**McLendon
Medlock
Midvale
**Midway
Montclair
Montgomery
Nancy Creek
Northwoods
Oakcliff
Rehoboth
Cary Reynolds
*Rowland
Sagamore Hills
Shallowford
Skyland
Smoke Rise
Tucker
Vanderlyn
Warren
Woodward



HIGH SCHOOLS

Briarcliff
Chamblee
Cross Keys
Druid Hills
Henderson
Lakeside
**Peachtree
Sequoyah
Shamrock
**Tucker

* These schools are near capacity and can only receive 25 new students. These will be accepted based on the date of the application with the first 25 students receiving placement.

** Limited to 50 students.

Schools listed below are eligible for M-to-M transfer by white students.

ELEMENTARY SCHOOLS

Hooper Alexander
Canby Lane
*Cedar Grove
**Chapel Hill
**Clifton
Flat Shoals
*Kelley Lake
Bob Mathis
Meadowview
Snapfinger
Leslie J. Steele
Stoneview
Terry Mill
Tilson
**Toney
Wadsworth

HIGH SCHOOLS

Avondale
Cedar Grove
Gordon
Southwest DeKalb

*These schools are near capacity and can only receive 25 new students. These will be accepted based on the date of the application with the first 25 students receiving placement.

**Limited to 50 students.

Prepared by the Division of Community and Staff Relations.

It is the policy of the DeKalb County Board of Education not to discriminate on the basis of age, sex, race, religion, national origin or handicap in its educatonal programs, activities, or employment policies.



## DEKALB COUNTY SCHOOL SYSTEM BOARD OF EDUCATION MEMBERS

H. Paul Womack, Jr., Chairman

Norma Travis, Vice Chairman

Elizabeth Andrews
Joyce Hairston
Frank B. Jernigan
Phil McGregor
Lyman D. Howard

Robert R. Freeman, Superintendent

Edward Bouie
296-1700
Assistant Superintendent for
Community and Staff Relations

Harold Dennis
296-2000
Associate Superintendent for Instruction

Wilburn Adams
934-3610
Associate Superintendent for Business Affairs

Bill Strain
296-1700
Assistant Superintendent for Administration

Clyde Holsclaw
325-2861
Assistant Superintendent for North/Central Area

Bill Pemberton
243-0713
Assistant Superintendent for South Area

Melvin Johnson
243-0714
Administrative Coordinator

The Bi-racial Committee meets the first Monday night of each month at the School System District Office at 3770 North Decatur Road. The meetings are / / // / /



**PLAINTIFF'S EXHIBIT 26**

Item 3—Letter dated February 17, 1987
to Dr. Robert R. Freeman from (Kathleen L. Wilde)
Attorney at Law

TOTAL OF M-TO-M STUDENTS BY SCHOOL

02/27/87
Data Compiled For: Dr. Bill Strain
By: L. Whittaker

| | Black | White | Total |
|---|---|---|---|
| 108 | 20 | 0 | 20 |
| 113 | 3 | 0 | 3 |
| 115 | 61 | 5 | 66 |
| 120 | 6 | 0 | 6 |
| 132 | 82 | 0 | 82 |
| 133 | 135 | 0 | 135 |
| 136 | 1 | 0 | 1 |
| 146 | 45 | 0 | 45 |
| 152 | 13 | 1 | 14 |
| 176 | 9 | 0 | 9 |
| 178 | 75 | 0 | 75 |
| 185 | 4 | 0 | 4 |
| 187 | 40 | 4 | 44 |
| 190 | 222 | 0 | 222 |
| 200 | 37 | 0 | 37 |
| 205 | 20 | 0 | 20 |
| 212 | 58 | 0 | 58 |
| 213 | 1 | 0 | 1 |
| 215 | 99 | 0 | 99 |
| 218 | 7 | 0 | 7 |
| 220 | 4 | 0 | 4 |
| 225 | 27 | 0 | 27 |
| 230 | 22 | 0 | 22 |

| | Black | White | Total |
|---|---|---|---|
| 232 | 68 | 0 | 68 |
| 236 | 7 | 0 | 7 |
| 250 | 19 | 0 | 19 |
| 256 | 4 | 0 | 4 |
| 257 | 9 | 0 | 9 |
| 260 | 17 | 0 | 17 |
| 267 | 25 | 0 | 25 |
| 270 | 3 | 0 | 3 |
| 275 | 62 | 0 | 62 |
| 278 | 8 | 0 | 8 |
| 284 | 11 | 0 | 11 |
| 287 | 3 | 0 | 3 |
| 300 | 2 | 0 | 2 |
| 305 | 47 | 1 | 48 |
| 315 | 1 | 0 | 1 |
| 320 | 6 | 0 | 6 |
| 340 | 9 | 0 | 9 |
| 344 | 11 | 0 | 11 |
| 348 | 174 | 0 | 174 |
| 350 | 62 | 0 | 62 |
| 398 | 38 | 0 | 38 |
| 415 | 6 | 0 | 6 |
| 420 | 6 | 0 | 6 |
| 425 | 10 | 0 | 10 |
| 484 | 11 | 0 | 11 |
| 492 | 28 | 0 | 28 |
| 496 | 7 | 0 | 7 |
| 508 | 26 | 9 | 35 |
| 515 | 219 | 2 | 221 |
| 522 | 51 | 0 | 51 |
| 525 | 53 | 0 | 53 |
| 529 | 83 | 0 | 83 |
| 533 | 335 | 1 | 336 |



| | Black | White | Total |
|---|---|---|---|
| 535 | 17 | 0 | 17 |
| 544 | 1 | 0 | 1 |
| 549 | 366 | 0 | 366 |
| 555 | 558 | 1 | 559 |
| 557 | 93 | 0 | 93 |
| 565 | 71 | 0 | 71 |
| 567 | 29 | 0 | 29 |
| 568 | 188 | 0 | 188 |
| 570 | 63 | 0 | 63 |
| 573 | 285 | 0 | 285 |
| 576 | 1 | 0 | 1 |
| 580 | 4 | 0 | 4 |
| 581 | 4 | 0 | 4 |
| 585 | 16 | 3 | 19 |
| 593 | 59 | 0 | 59 |
| TOTALS | 4167 | 27 | 4194 |

## PLAINTIFF'S EXHIBIT 28

SEATS AVAILABLE FOR M to-M TRANSFERS

MAJORITY *WHITE* SCHOOLS

| Elementary Schools | 1987-88 | 1988-89 |
|---|---|---|
| Allgood | 87 | 78 |
| Ashford Park | 79 | 57 |
| Austin | 195 | 316 |
| Briarlake | 98 | 81 |
| Briar Vista | 94 | 56 |
| Brockett | 202 | 205 |
| Murphey Candler | 0 | 0 |
| Chesnut | 86 | 196 |
| Dresden | 0 | 0 |
| Dunaire | 10 | 0 |
| Evansdale | 284 | 241 |
| Fernbank | 77 | 79 |
| Forrest Hills | 39 | 52 |
| Hambrick | 81 | 26 |
| Hawthorne | 190 | 129 |
| Henderson Mill | 71 | 6 |
| Hightower | 110 | 48 |
| Huntley Hills | 155 | 149 |
| Idlewood | 204 | 189 |
| Jolly | 91 | 54 |
| Kingsley | 307 | 308 |
| Laurel Ridge | 123 | 124 |
| Livsey | 126 | 129 |
| Mainstreet | 0 | 0 |
| McLendon | 37 | 38 |
| Medlock | 100 | 47 |
| Midvale | 245 | 240 |
| Montclair | 138 | 119 |



| Elementary Schools | 1987-88 | 1988-89 |
|---|---|---|
| Montgomery | 180 | 218 |
| Nancy Creek | 137 | 163 |
| Oakcliff | 169 | 157 |
| Oak Grove | 122 | 108 |
| Pleasantdale | 192 | 182 |
| Redan | 0 | 0 |
| Cary Reynolds | 30 | 33 |
| Rock Chapel | 0 | 0 |
| Rockbridge | 0 | 0 |
| Rowland | 0 | 0 |
| Sagamore Hills | 168 | 141 |
| Smoke Rise | 120 | 102 |
| Stone Mill | 103 | 77 |
| Stone Mountain | 0 | 0 |
| Vanderlyn | 113 | 242 |
| Woodridge | 0 | 0 |
| Woodward | 0 | 0 |
| Totals | 4563 | 4390 |

SEATS AVAILABLE FOR M-to-M TRANSFERS
MAJORITY *BLACK* SCHOOLS

| Elementary Schools | 1987-88 | 1988-89 |
|---|---|---|
| Hooper Alexander | 171 | 167 |
| Atherton | 61 | 81 |
| Avondale | 0 | 0 |
| Canby Lane | 101 | 114 |
| Cedar Grove | 58 | 47 |
| Chapel Hill | 38 | 0 |
| Clifton | 64 | 78 |
| Columbia | 38 | 53 |
| Fairington | 0 | 0 |
| Flat Shoals | 110 | 115 |
| Glen Haven | 0 | 0 |
| Gresham Park | 31 | 34 |
| Indian Creek | 0 | 0 |
| Kelley Lake | 198 | 191 |
| Knollwood | 0 | 0 |
| Mathis | 71 | 47 |
| Meadowview | 91 | 96 |
| Midway | 15 | 78 |
| Peachcrest | 5 | 0 |
| Rainbow | 0 | 0 |
| Sky Haven | 4 | 0 |
| Snapfinger | 111 | 97 |
| L. J. Steele | 74 | 76 |
| Stoneview | 0 | 0 |
| Terry Mill | 39 | 15 |
| Tilson | 40 | 26 |
| Toney | 104 | 85 |
| Wadsworth | 5 | 8 |
| Totals | 1429 | 1408 |



SEATS AVAILABLE FOR M-to-M TRANSFERS
MAJORITY *WHITE* SCHOOLS

| High School | 1987-88 | 1988-89 |
|---|---|---|
| Briarcliff | NA | NA |
| Chamblee | 517 | 487 |
| Clarkston | 54 | 106 |
| Cross Keys | 323 | 256 |
| Druid Hills | 5 | 224 |
| Dunwoody | 230 | 161 |
| Henderson | 84 | 84 |
| Lakeside | 237 | 57 |
| Lithonia | 0 | 0 |
| Peachtree | 463 | 386 |
| Miller Grove | 44 | 52 |
| Redan | 0 | 0 |
| Sequoyah | 388 | 360 |
| Shamrock | 72 | 60 |
| Stone Mountain II | 61 | 71 |
| Stone Mountain | 72 | 94 |
| Tucker | 301 | 381 |
| Totals | 2851 | 2779 |

SEATS AVAILABLE FOR M-to-M TRANSFERS

MAJORITY *BLACK* SCHOOLS

| High Schools | 1987-88 | 1988-89 |
|---|---|---|
| Avondale | 126 | 12 |
| Cedar Grove | 168 | 183 |
| Columbiaer | 100 | 76 |
| Gordon (8&9) | 630 | 632 |
| Southwest DeKalb | 206 | 197 |
| Towers | 198 | 206 |
| Walker (10-12) | 503 | 532 |
| Totals | 1931 | 1838 |

PLAINTIFF'S EXHIBIT 32

PLAINTIFF'S EXHIBIT 32

PERSONNEL REPORT - DEKALB COUNTY SCHOOL SYSTEM
SHOWING
FACULTY POSITIONS FILLED BECAUSE OF THE CREATION OF NEW POSITIONS, RESIGNATIONS, AND/OR TRANSFERS

| | SCHOOLS | NUMBER OF POSITIONS FILLED SINCE JUNE 10, 1986 | POSITIONS FILLED RACE WHITE | BLACK | NEW | TRANSFERRED | TRANSFERRED FROM | TOTAL NUMBER OF FACULTY MEMBERS | RACE WHITE | BLACK | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| III | HOOPER ALEXANDER | 5 | 2 | 3 | 4 | 1 | Hooper Alexander (Spec. Ed.) | 28 | 18 | 10 | 36 |
| I | ALLGOOD | 8 | 4 | 4 | 7 | 1 | Leslie J. Steele | 30 | 22 | 8 | 27 |
| I | ASHFORD PARK | 5 | 4 | 1 | 2 | 3 | Terry Mill<br>Chesnut<br>Flat Shoals | 32 | 25 | 7 | 22 |
| II | ATHERTON | 4 | 3 | 1 | 4 | 0 | | 32 | 21 | 11 | 34 |
| I | AUSTIN | 1 | 1 | 0 | 0 | 1 | Ashford Park | 30 | 26 | 4 | 13 |
| II | AVONDALE | 11 | 9 | 2 | 9 | 2 | Leslie J. Steele<br>Briarcliff High School | 33 | 25 | 8 | 24 |
| I | BRIARLAKE | 2 | 0 | 2 | 2 | 0 | | 22 | 16 | 6 | 27 |
| I | BRIAR VISTA | 6 | 5 | 1 | 5 | 1 | Shallowford | 22 | 18 | 4 | 18 |
| I | BROCKETT | 5 | 4 | 1 | 3 | 2 | Avondale Elem.<br>Rowland | 23 | 16.5 | 6.5 | 28 |
| II | CANBY LANE | 8 | 5 | 3 | 5 | 3 | Stoneview<br>Tilson<br>Wadsworth Writing Ctr. | 29 | 20 | 9 | 31 |
| I | MURPHEY CANDLER | 5 | 2 | 3 | 3 | 2 | Shallowford<br>Woodward | 29 | 22 | 7 | 24 |
| II | CEDAR GROVE | 7 | 5 | 2 | 6 | 1 | Towers High School | 32 | 23 | 9 | 28 |
| II | CHAPEL HI'' | 16 | 12 | 4 | 15 | | Stone Mountain H.S. | 45 | 27 | 9 | 40 |

## PLAINTIFF'S EXHIBIT 34

### 1985-1986 RACE OF SCHOOL ADMINISTRATORS BY RACE OF STUDENTS

Elementary Schools

| Category by % Black Students | No. of Schools In Category | % Black Administrators | Total No. Administrators |
|---|---|---|---|
| 1- 20% Black | 35 | 5.7% | 35 |
| 21- 40% Black | 8 | 0.0% | 10 |
| 41- 60% Black | 7 | 37.5% | 8 |
| 61- 80% Black | 4 | 40.0% | 5 |
| 81-100% Black | 20 | 60.0% | 35 |
| TOTALS: | 74 | 30.1% | 93 |

High Schools

| | | | |
|---|---|---|---|
| 1- 20% Black | 8 | 14.8% | 27 |
| 21- 40% Black | 4 | 29.4% | 17 |
| 41- 60% Black | 3 | 40.0% | 10 |
| 61- 80% Black | 2 | 50.0% | 8 |
| 81-100% Black | 5 | 63.2% | 19 |
| TOTALS: | 22 | 27.2% | 81 |

SOURCE: Data taken from Defendants' Exhibit 50—
1985-1986 School Year Elementary School Administrators
Secondary School Administrators

**PLAINTIFF'S EXHIBIT 40**

MEMORANDUM August 25, 1980

To: Dr. Robert Freeman, Superintendent
DeKalb County Schools

From: Roger Mills

Re: Problem Areas of Mutual Concern and Some Suggestions

## I. GENERAL OVERALL CONCERNS

A. Problem: DeKalb County schools are racially segregated. The school system consists of 100 schools (and 8 centers), of which 29 schools (and 1 center) are black. The schools serve about 79,000 students, of whom about 25,000 or 32% are black. More than 20,000 or 82% of all black students are assigned to black schools.

Suggestion: Appoint a Superintendent's Task Force to include administrators and informed parents to begin developing possible plans. An obvious beginning would be converting the schools in the corridor along I-85 losing population to middle schools with system-wide attendance areas.

B. Problem: Racial segregation is increasing in DeKalb County schools. This year 3 schools—Avondale Elementary, Southwest DeKalb High, and Towers High—became black. This coming year Peachcrest Elementary, Avondale Elementary, Avondale High, Southwest DeKalb High, and Towers High will lose most of their remaining white students. The year after, 4 more schools—Fairington, Glen Haven, Indian Creek, and Midway Elementary Schools—will become majority black.



Suggestion: In racially transitional schools, peg minority enrollment to 50% of building capacity. Where the building is undercapacity because of white flight, reassign whites involuntarily from overcrowded white schools. Any new minority students could M-to-M out to the school of their choice.

C. Problem: Top level employees in the administration are all white, with a few exceptions. Blacks who are employed as principals are, with two exceptions, all assigned to black schools.

Suggestion: Hire from the outside blacks for the positions of Deputy Superintendent, Associate Superintendent for Community and Staff Relations, Associate Superintendent for Planning and Development, and South Area Assistant Superintendent. These are key positions where greater racial sensitivity is required. Beginning the next school year reassign black principals on a non-racial basis.

D. Problem: The School Board is all white. It is not possible for a black person to become elected because members are chosen on a county-wide instead of district basis.

Suggestion: Submit as a part of the annual legislative packet for local legislation a request for expanding the Board to 9 members with at least 6 members elected by district. This would allow the black vote not to be diluted by the white vote and yet would retain the county-wide feature that some feel is desirable.

E. Problem: Performance levels on the Georgia Criterion Referenced Test and the California Achievement Test are uniformly lower in the black schools in comparison with the white schools in the system. Attempted justifications include the usual demographic theories (neighborhood transition), sociological theories (cultural and environ-

mental differences), and psychological theories (motivation and self-image).

Suggestion: Desegregate the schools. Allocate resources according to need, not per capita.

## II. SPECIFIC IMMEDIATE CONCERNS

A. Problem: Black students eligible to M-to-M out of Southwest DeKalb High (59% black), Towers (57% black), and Avondale Elementary (51% black) have been advised erroneously they could not do so. The May 8, 1979 court order, p. 11, says school officials are to estimate fall enrollments by race when deciding which schools come under the M-to-M program. Back in May, all 3 of these schools had projected majority black fall enrollments. In the same order, the court also expressed the hope that the system would mount an all-out campaign to enroll black children as M-to-M students in schools which thus far have achieved little integration.

Suggestion: Comply with the order. Notify students they may transfer. Encourage them to do so.

B. Problem: The transportation scheduling of M-to-M students this fall is inefficient and cumbersome, having the effect of chilling M-to-M participation. Example: A busload of M-to-M students from the Mathis-Chapel Hill-Rainbow neighborhood has signed up to M-to-M to Sagamore Hills Elementary School, about 40 minutes away. The group was broken up, some students being assigned to different buses, and all students riding at least 2 buses to get there. Time of the trip: 1 hour and 40 minutes each way.

Suggestion: Allow parents access to pupil locator and route maps for M-to-M and cooperate



with them in making any modifications to enhance convenience and efficiency.

C. Problem: The younger brothers and sisters of black M-to-M students at Fernbank Elementary School have been advised erroneously they could not themselves M-to-M to Fernbank because of overcrowding. New white students, nevertheless are permitted to enroll. The court order of November 7, 1976, p. 24, says, "Space must be made available in the receiving school for transferees who shall be given priority for space over other new students, but in no instance shall a transferee displace a student previously enrolled." Fernbank has a capacity of 754 (29 classrooms x 26 students per classroom) but an enrollment of 730. Were Fernbank actually overcrowded, then the attendance line need be shifted only slightly because Briar Vista, the next school over, has only about 480 students in a building with a capacity of 832 (32 classrooms x 26 students per classroom).

Suggestion: Comply with the order. Permit the black children to M-to-M to Fernbank. If Fernbank fills up, alter the attendance line and also encourage M-to-M students to go to Briar Vista, too. (In fact, the overall M-to-M program should be utilized to relieve overcrowded black schools and fill up white schools with seriously dwindling enrollments in north DeKalb.)

D. Problem: Despite notable efforts by individual members (e.g. Dick Hill, Phil McGregor, Frances Pauley), the Bi-Racial Committee has ceased to be held in high regard and now functions in a marginal way. The Committee has been plagued by the repeated absence of a quorum and by members who do not do enough homework to make informed judgments.

Suggestion: Increase the quality and importance of the Committee by becoming a member yourself. Join with plaintiffs in requesting court replacements for inactive members and in possibly expanding the size of the Committee.

## III. SPECIFIC LESS IMMEDIATE CONCERNS

A. Problem: The continuous progress program of individualized instruction is being misused. Students assigned to particular groups tend to stay with those groups. There is group, not individual, movement up. Disproportionate numbers of minority children are in these lower groups in each grade. The adverse effects of such grouping tend to be cumulative so that by the time lower level students reach high school and have the opportunity to choose course levels themselves the choice is illusory.

Suggestion: Begin moving away from such grouping, de-emphasizing levels. Push individual mobility rather than grouping. Grouping should be for no longer than is necessary. Heterogeneous assignment of pupils should be the rule not the exception. Examine the percentile rank on the CAT of students in the lower levels over two annual testing periods to determine the educational benefit of the present program. Conduct in-service training workshops on practical problems in "achievement" grouping and classroom management.

B. For the 1979-80 school year, black teachers represented only about 16% of all new hires. The relevant labor market in the Atlanta SMSA is about 27% black for elementary and secondary education teachers. The applicant pool is underrepresentative of black applicants because of the



absence of recruiting. Retention of minority faculty in all white schools in north DeKalb is impaired by the absence of human relations seminars for white teachers and principals, despite the obvious need.

Suggestion: Recruit qualified minority teachers. Conduct human relations seminars at schools where there are staff problems along racial lines.

C. Problem: Only 9% of all special education teachers are black. The relevant labor market for such teachers in the Atlanta SMSA is probably about double that percentage. The applicant pool in DeKalb is underrepresentative of black applicants because of the absence of recruiting.

Suggestion: Affirmatively recruit minority special education teachers.

D. Problem: Inexperienced white new hires are assigned to Gordon and other black schools which have large turnovers. In the past, more experienced blacks were involuntarily reassigned to white schools whose faculties were disproportionately white.

Suggestion: Reassign experienced whites to Gordon and other black schools with big turnovers. The teacher contracts with the system, not the individual school. Unlike student assignment which is pegged to geographic residence, teacher assignment is according to system needs, not teacher residence. If a white teacher is unwilling to go, then that teacher should not be given the opportunity to have another position elsewhere in the system.

E. Problem: The system has approved a zone change request made by representatives of the parents of 21 white students. The zone change

permits 21 whites to leave Glen Haven, a 28% black school near the path of racial transition and attend Rowland, a 2% black school. Were the zone change not permitted, Glen Haven would be about 26% black. The court order dated June 18, 1969, p. 7, says the School Board will, in locating and designing new schools, in expanding existing facilities, and in consolidating schools, do so with the objcetive of eradicating segregation and perpetuating desegregation. The same principle applies with respect to zone changes. The reason given by the parents for requesting the zone change is the concern of crossing Covington Highway.

Suggestion: Permit the zone change only for the present school year. Discontinue it thereafter because of the adverse effect it will have on perpetuating desegregation.

F. The system is considering the acquisition of a new school site in southeast DeKalb. The area is presently white but in the path of what will become racial transition in several years. Presently there are dozens of schools greatly underutilized and undercapacity. None are located in the immediate vicinity of population increases. The overall enrollment of DeKalb students is declining and will be very rapid in the next decade.

Suggestion: Decline to acquire the site. Conduct a study exploring the feasibility of noncontiguous zoning or alteration of a chain of attendance lines (as is done in the black schools).



**PLAINTIFF'S EXHIBIT 42**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
P. O. Box 1437
Atlanta, Georgia 30301

Chambers of
NEWELL EDENFIELD, Judge

February 13, 1978

Mr. Richard A. Hills, Jr.
Kutak Rock & Huie
1200 Standard Federal Savings Building
Atlanta, Georgia 30303

Re: Pitts, et al. v. Cherry, et al.
Civil Action No. 11946

Dear Mr. Hills:

This will acknowledge receipt of your letter delivered by hand on February 8th. In answer to your request, specific direction as to the role and authority of a biracial committee is not only difficult, it is virtually impossible. This is true because, in law, there is no provision for such a committee in the first place. The practicality of forming such committees originated with federal judges confronted with school problems in the area of race in an effort to resolve racial disputes in school matters at the local level wherever possible and in order to remove the district courts as nearly as possible from the day-to-day operating problems of the school system. Such being the purpose and intent in creating such committees, I know of no racial problem affecting the schools on which the committee is prohibited from expressing itself. Of course, such a committee has no power to direct the school board as to any particular matter, but I see much benefit to be

gained and nothing to be lost in having the committee express its views on the problems you raise to the school board. I cannot order them to do so, but I would hope that the school administration would give serious consideration to any views this committee might express, since a failure to do so could result in further hearings and orders from the court which, with cooperation from both sides, should not be necessary.

To answer your question, therefore, I would suggest that this committee set down for consideration both of the problems you enumerate and any others you deem appropriate to race questions in the DeKalb schools. You may, of course, take up these matters with or without an administration representative being present, and present your views in writing, both to the school administration and to this court.

I hope this answer, although not definitive, will be of some help.

Sincerely,

/s/ Newell Edenfield
NEWELL EDENFIELD
United States District Judge

NE:lh
ccs: Mrs. Eunice Smith, Chairperson
Biracial Committee
Gary Sams, Esq.
Roger Mills, Esq.
Mr. Joe Renfroe
Clerk, U.S. District Court



**PLAINTIFF'S EXHIBIT 44**

November 20, 1979

Memo To: Members of Bi-racial Committee
Members of Task Force Committee

From: Evelyn Smith, Secretary
Bi-racial Committee

Reference: Minutes of Previous Meeting

The Bi-racial Committee met November 5, 1979. Evelyn Smith called the meeting to order at 7:10 p.m.

Dr. Bill Adams presented changes in attendance areas for the following schools:

Tucker to Livsey

Briarlake to Henderson Mill

Vanderlyn to Kingsley
Dunwoody High to Peachtree High

Kingsley to Vanderlyn
Peachtree High to Dunwoody High

The proposed changes in attendance areas were approved as presented.

Minutes of the October 1, 1979 meeting were discussed. Ms. Elaine Davis questioned the portion of the minutes which related to the Task Force Committee receiving their materials.

After a discussion, Dick Hills made the following motion: "I move that no material that routinely or normally comes to the Bi-racial Committee shall go to the Task Force unless it first comes to the Bi-racial Committee." The motion was passed.

Minutes of the previous meeting were approved.

Bylaws were discussed. Ms. Elaine Davis questioned several portions. A motion was made and seconded to reconsider the Bylaws at the December meeting.

Ms. Davis gave a report on the Task Force Committee. The committee is making a study on a four-phase desegregation plan for DeKalb County.

1. Step up the M-to-M program in elementary schools.
2. Center of county to have middle schools for all 6-7-8-grade students in county.
3. Neighborhood high schools for grades 9 and 10.
4. Specialty schools for grades 11 and 12; the purpose—for students interested in a certain curriculum could put all study on that interest.

The Committee is planning a survey to be sent to M-to-M parents. A group of white parents and also a group of black parents will be asked to fill out the survey. The survey is to discover their feelings about the M-to-M program. The questionnaire will be presented to the Biracial Committee for approval (in December).

Ms. Davis repeated that the Task Force Committee is meeting twice a month with good attendance.

The meeting was adjourned at 8:10 p.m.

THE BI-RACIAL COMMITTEE WILL *NOT* MEET IN DECEMBER. THE NEXT REGULAR MEETING WILL BE HELD JANUARY 7, 1980.

Evelyn Smith, Secretary
Bi-racial Committee

Present:

Evelyn Smith
Elaine Davis
Vivian Billins
Richard Hills
Oscar Kirk
Bill Mayweather

ES:gc



**PLAINTIFF'S EXHIBIT 45**

November 1, 1979

Memo To: Members, Task Force on Desegregation
Members, Bi-racial Committee

From: Jane H. Terry, Secretary
Task Force on Desegregation

Reference: Minutes of Previous Meeting

The Task Force on Desegregation met at 8 p.m., October 17, 1979, in the Board Room of the DeKalb County School System's District Office. A new member, James MacMillan, was introduced to the group. He is an alternate representative from the NAACP. Also present were Elaine Davis, presiding; Marcia Barowski; Gail Edmondson; Debby Nave; Margaret Spencer; and Jane Terry.

THE NEXT MEETING OF THE TASK FORCE WAS SET FOR NOVEMBER 8, 1979. PLEASE REMEMBER THIS DATE. TIME: 8 P.M.

Ms. Davis appointed Margaret Spencer vice chairman and Jane Terry secretary.

Ms. Davis outlined the planned survey of DeKalb parents. The survey will ask why or why not parents participate in M-to-M transfers and under what circumstances those not taking part would participate. The survey will seek to discover the feelings of M-to-M participants and ask for suggestions. The draft should be ready in two weeks.

The major portion of discussion covered concepts of school desegregation. These actions were considered desirable:

1. Provide a late afternoon bus to allow bussed students to participate in after-school activities

2. Assign bussed students to "families" near the school for dealing with emergencies such as sickness, injuries, etc.

3. Build in incentives to encourage whites to move south and blacks to move north

4. Provide awareness or anti-prejudice courses, workshops, or seminars for students and (especially) teachers

The group considered middle schools (sixth, seventh, and eighth grades) placed in the central area as an integrating tool. We are in disagreement as to whether this is a good time or the worst time in a child's development for such a change. A change to middle schools might satisfy many vocal critics of the school system.

Magnet schools—or specialty schools—appealed to some members as a mixing tool at high school level. Present DeKalb policy of allowing a student to enter any school for curriculum purposes might weaken this strategy. Drama, music, foreign language, and auto repair are examples of the specialities mentioned. Some members thought that few high-schoolers would choose to leave their home district.

As a result of the discussion, Ms. Davis will add to the survey a query to high school students to find out how many would go to a specially-equipped school out of their district.

At the next meeting, Ms. Barowski will bring some preliminary findings of a DeKalb school study which the League of Women Voters has been working on. Warren Hudson, of the Office of Civil Rights, will provide copies of all working desegregation plans for our study.

Jane H. Terry, Secretary
Task Force on Desegregation

JHT:gc



**PLAINTIFF'S EXHIBIT 47**

SUMMARY REPORT OF THE TASK FORCE TO THE BI-RACIAL COMMITTEE

March 2, 1981

The Task Force established by the Bi-racial Committee has looked for voluntary methods of desegregation to recommend for DeKalb County Schools.

The preliminary work included studying housing patterns in the county and reviewing the past and present racial makeup of the schools. The committee conducted a survey of participants in the M-to-M plan in order to determine its strengths and its problems. The committee studied other school systems and their success or failure with various methods of integration.

It is recommended, first of all, that the current M-to-M program be maintained, with the following additions:

1. Add a late afternoon bus for students who stay past dismissal time for sports; clubs, makeup work or other school activity. One bus could possibly serve several schools with a specified pickup time. Sponsors of extracurricular activities would be sure to dismiss in time for students to catch the bus.

2. Require eighth through twelfth graders to stay at the chosen school for a minimum of one full quarter.

For elementary schools, special programs for paired grades are recommended, using the following guidelines:

1. At some selected elementary grade level, all students not already in an adequately integrated classroom would be required to take part in a year of weekly activities with a partner school. The activity could be from core curriculum or

enrichment. This would insure integrated experience for each child on a minimum basis, at least once in his/her school experience.

Example of how this could work: Identify the racial makeup of all fifth grade classes and locate those with 0% to 20% white. Pair these to create racially mixed units, considering geography, space in the schools, and the like. Every Thursday, Class A (largely black) and Class B (largely white) would spend the day together at School A or School B for a day of music, art, physical education, lunch, and creative writing.

The location could vary; the program could be different; field trips could be included. A planning staff would be needed, but the resident teachers would also help. Empty or underutilized schools could be used, or classes could visit each other's schools.

2. The burden of travel should be borne equally by partner schools. No group should do all the traveling while the other group remains at its home school.

3. An extended day program is also recommended for elementary schools. In this arrangement, some elementary schools would provide a program until about six p.m. This would serve working parents who need child supervision until they are home.

4. A child would be bussed from his/her home school to the assigned day center. His/her assignment would be made first on the basis of racial balance at the center; second, on the basis of convenience to home school or parent's place of employment. No bus would be provided in the late afternoon. Parents would pick up children at the center.



5. Staffing for the program would provide salary supplement for teachers who wish to work longer hours. Para-professionals could also be hired.

6. The children should be provided physical education opportunities, tutoring in academic subjects, and crafts. Other subject areas such as music, dance, and drama might also be offered.

On the high school level, creation of an occupational high school which arranges for on-job training was recommended. The location should be in the center of the county, convenient to both north and south. Racial balance should be maintained in enrollment.

The Task Force considered magnet high schools as a tool for desegregation. The majority questioned whether magnet schools would make any major contribution to integration in the DeKalk System at the present time.

Middle schools, either countywide or on a limited basis, were discussed by the Task Force. The committee agreed on the two points listed below.

1. If the school board adopts magnet schools, the committee strongly recommends middle schools as part of the magnet program.

2. If middle schools are taken up countywide, they must be racially integrated.

In the discussions of the committee it became clear that some schools are perceived as better than others. The Task Force outlined recommendations to the School Board, and included four major items.

1. Public perception of the individual schools needs to be determined.

2. If there are real inequalities among the schools, this needs to be determined.

3. If inequalities exist, these need to be corrected. If a better pupil/teacher ratio is needed at cer-

tain schools, it should be provided. If a higher allocation per pupil is needed at certain schools, it should be provided. If more space is needed, it should be provided.

4. Work to improve the public perceptions of the schools and their relative effectiveness.

The Bi-racial Committee is requested to respond to the proposals of the Task Force Committee.

Submitted by

Jane Terry, Secretary
Task Force Committee



**PLAINTIFF'S EXHIBIT 66**

MEMORANDUM

TO : INTERESTED PERSONS

FROM : ROGER MILLS
DEKALB COUNTY NAACP

RE : PROPOSED PANOLA WAY ELEMENTARY SCHOOL ATTENDANCE AREA

DATE : MAY 22,1987

*School Board Action*: In March 1987 the School Board approved attendance lines for Panola Way Elementary, a new school which will open in the fall of 1987. In April 1987, over NAACP objections, the Biracial Committee by a vote of 5-0-1 approved the action. The attendance area of the new school is carved out of the existing attendance zones of Redan Elementary School, now 27% black, and Stoneview Elementary School, now 55% black. With the change in the fall of 1987, Redan will become 25% black and Stoneview 60% black. The new school, Panola Way, will open 40% black. The plan follows:

| School | Net Cap. | 86-7 Enroll. | % Black |
|---|---|---|---|
| Panola Way Elem. | 884 | 797 | 40% |
| Redan Elem. | 754 | 915 | 25% |
| Stoneview Elem. | 754 | 747 | 60% |

Panola Way will be underutilized, 87 students under capacity this fall, while Redan Elementary will remain over capacity this fall by 161 students.

This aggregate contiguous area will, this fall, consist of 2459 students, 41% black. The net capacity of the three schools servicing these students is 2392, a shortage of 67 seats.

*Objections Raised*: The NAACP by Roger Mills argued that the Board had taken an affirmative action which

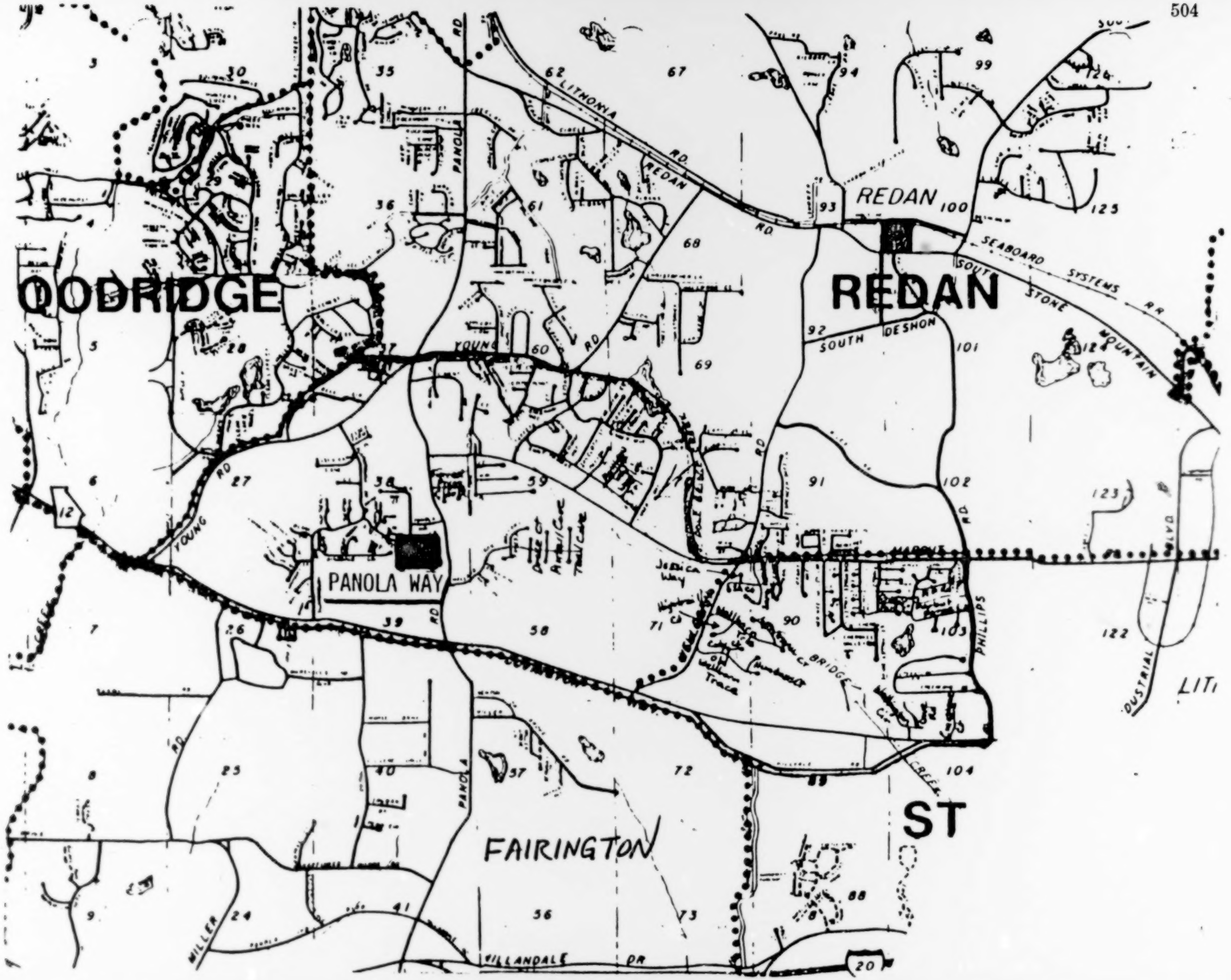
preserves the racial segregation of the two host schools. The NAACP urged instead adoption of an alternative plan:

| School | Net Cap. | 87-8 Enroll. | % Black |
|---|---|---|---|
| Panola Way Elem. | 884 | 884 | 41% |
| Redan Elem. | 754 | 754 | 41% |
| Stoneview Elem. | 754 | 754 | 41% |

(Also, to provide additional relief from overcrowding at Redan, 67 Redan students would need to be reassigned to other undercapacity schools.) The advantage of the NAACP plan is twofold: (1) it eleminates the racial identifiability of the two host schools, and (2) it fully utilizes all available facilities for immediate relief from overcrowding.

*Administrative Response*: The response has consisted of three points: (1) The Board action will not increase segregation at Stoneview because it would become almost 60% black this fall without 280 of its students being transferred to Panola Way. (2) The lines should not be redrawn to take in more of the Redan Elementary area because in the past school year, the rate Redan is becoming black—a 9% increase—is greater than the rate for Stoneview—a 4% increase. (3) The administration will present a plan to relieve overcrowding at Redan Elementary in the near future. (The proposed school budget calls for funds for construction of an addition at Redan and other schools.)

*NAACP Rebuttal*: (1) The area taken away from Stoneview will have 280 students this fall, of whom 43% are black, according to the administration. If this is true, then Stoneview would otherwise be 53% black this fall were the students not transferred. (2) The issue is not whether more students should be taken from Redan rather than from Stoneview to go to Panola Way, but rather whether Stoneview's attendance area should be redrawn for some Redan students to go to Stoneview. Additional space at Stoneview could be obtained without increasing the black percentage at Panola Way by having some more Stoneview students go to Panola Way. (3) Proposing construction in the future provides no relief for the 1987-88 school year even if it were begun at once. Redan's projected enrollment this fall, after some of its students are removed and place at Panola Way, will be 915 students in a building with a net capacity of 754. Also by proposing to build additions to several schools, the administration is treating each school like it is a separate self-contained entity, unaffiliated with any other schools, rather than treating each overcrowded school as a component of the system as a whole. It costs more to build buildings than to move attendance lines. It is educationally unsound because it will make these elementary schools exceed the maximum desirable size and will overtax both the lunchroom and the library at each facility. It is contrary to a provision in the June 19, 1969 court order which provides that the Board, in constructing schools, do so in a manner which perpetuates desegregation and does not reestablish the dual system.


QODRIDGE
REDAN
REDAN
PANOLA WAY
FAIRINGTON
ST
LITHONIA RD
REDAN RD
YOUNG RD
PANOLA RD
SOUTH DESHON RD
SEABOARD SYSTEMS RR
STONE MOUNTAIN
MILLER RD
VILLANDALE DR
PHILLIPS
BRIDGE
CREEK
INDUSTRIAL BLVD
LITH

DEFENDANT'S EXHIBIT R-17 C.A. 11946

PLAINTIFF'S EXHIBIT 94

24-64

## RACIAL TRANSITION HIGH SCHOOLS 1969 1983

| | 1969 | 1970 | 1971 | 1972 | 1973 | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1986 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| AVONDALE | 8.5 | 9.7 | 12.6 | 16.7 | 21.1 | 25.9 | 29 | 35.4 | 42.8 | 50.3 | 54.5 | 58.5 | 60.2 | 62.1 | 61.9 | 70 |
| BRIARCLIFF | 0.4 | 0.4 | 0.3 | 0.1 | 0.3 | 0.2 | 0.2 | 1.4 | 1.5 | 3.2 | 6.1 | 12.6 | 17.7 | 28.5 | 40.8 | 52 |
| CEDAR GROVE | | | | 12.1 | 15.3 | 14.2 | 15.5 | 21.2 | 32.4 | 48.6 | 61.0 | 70.6 | 76.5 | 77.5 | 82.0 | 92 |
| CHAMBLEE | 3.3 | 3.3 | 3.7 | 3.6 | 3.6 | 3.0 | 4.5 | 4.7 | 4.7 | 6.3 | 6.5 | 7.2 | 8.4 | 11.7 | 11.2 | 17 |
| CLARKSTON | 12.9 | 12.1 | 10.3 | 9.4 | 8.1 | 5.8 | 4.8 | 4.9 | 4.9 | 6.3 | 7.9 | 7.7 | 10.5 | 12.0 | 12.4 | 25 |
| COLUMBIA | 0.3 | 1.5 | 3.0 | 9.3 | 21.1 | 35.7 | 49.9 | 62.8 | 76.7 | 87.8 | 93.9 | 95.5 | 95.9 | 96.9 | 97.1 | 98 |
| CROSS KEYS | 6.3 | 5.6 | 6.2 | 6.5 | 8.4 | 8.1 | 7.1 | 6.2 | 5.4 | 4.4 | 5.5 | 5.4 | 7.1 | 8.5 | 10.5 | 27 |
| DRUID HILLS | 5.3 | 5.4 | 6.2 | 4.6 | 6.4 | 7.9 | 8.0 | 9.6 | 13.4 | 14.1 | 18.3 | 26.3 | 38.6 | 38.3 | 44.2 | 44 |
| DUNWOODY | | | | 0 | 0 | 0 | 0 | .01 | 0.1 | 0.2 | 0.2 | 0.5 | 0.3 | 0.5 | 0.6 | 2 |
| GORDON | 16.5 | 28.7 | 45.8 | 72.9 | 88.8 | 97.4 | 98.7 | 99.4 | 99.3 | 99.4 | 99.5 | 99.4 | 99.5 | 99.6 | 99.5 | 100 |
| HENDERSON | 0.1 | 0.1 | 0 | 0.1 | 0 | 0 | 0 | 0.1 | 0 | 0.2 | 0.1 | 0.7 | 0.8 | 2.1 | 5.1 | 28 |
| LAKESIDE | 0.7 | 0.9 | 0.6 | 0.7 | 0.6 | 0.8 | 0.7 | 0.8 | 0.9 | 1.3 | 1.8 | 4.3 | 7.2 | 17.0 | 28.1 | 43 |
| LITHONIA | 35.0 | 32.1 | 30.3 | 28.5 | 30.1 | 22.1 | 22.0 | 25.7 | 25.2 | 24.5 | 24.8 | 25.6 | 25.2 | 31.4 | 31.3 | 42 |
| PEACHTREE | 0.3 | 0.4 | 0.5 | 0.3 | .05 | .4 | 0.4 | 0.6 | 0.4 | 0.9 | 1.2 | 2.0 | 2.2 | 2.5 | 3.1 | 12 |
| REDAN | | | | | | | | 2.8 | 4.4 | 5.3 | 12.0 | 13.0 | 13.9 | 15.2 | 16.0 | 28 |
| SEQUOYAH | 0.4 | 0 | 0 | 0.2 | .3 | .2 | 0.2 | .6 | 1.3 | 0.6 | 1.7 | 3.2 | 3.8 | 4.4 | 8.4 | 24 |
| SHAMROCK | 1.4 | 1.7 | 1.6 | 1.4 | .9 | 1.8 | 4.4 | 2.6 | 3.2 | 4.0 | 4.7 | 5.3 | 6.2 | 8.7 | 12.1 | 29 |
| S.W.DEKALB | 4.5 | 3.9 | 3.6 | 1.2 | .6 | 0.9 | 1.3 | 3.0 | 11.6 | 28.2 | 41.4 | 54.0 | 66.0 | 75.4 | 82.6 | 96 |
| ST. MOUNTAIN | 13.8 | 12.3 | 9.5 | 6.5 | 5.8 | 4.8 | 3.9 | 3.8 | 3.3 | 2.8 | 3.8 | 3.4 | 4.4 | 4.6 | 4.3 | 7 |
| TOWERS | 0.2 | 0.2 | 0.4 | 0.6 | 1.1 | 1.0 | 2.5 | 4.3 | 10.0 | 22.3 | 37.1 | 48.7 | 52.1 | 54.3 | 58.1 | 69 |
| TUCKER | 2.2 | 1.7 | 1.8 | 1.5 | 1.3 | 1.1 | 1.2 | 1.4 | 1.4 | 1.5 | 2.0 | 2.3 | 2.2 | 2.4 | 2.4 | 8 |
| WALKER | 1.8 | 2.6 | 3.8 | 12.5 | 34.2 | 60.3 | 72.4 | 82.1 | 88.5 | 91.7 | 93.0 | 95.0 | 96.6 | 96.0 | 96.7 | 99 |
| MILLER GROVE (8-9) | | | | | | | | | | | | | | | | 40 |
| STONE MOUNTAIN (8) | | | | | | | | | | | | | | | | 10 |
| | | | | | | | | | | | | | | | TOTAL HIGH | 43 |

0-20 %
21-40 %
41-60%
61-80%
81-100%

# RACIAL TRANSITION ELEMENTARY SCHOOLS 1969 1983
## % BLACK ENROLLMENT

DEFENDANT'S EXHIBIT DMI
R-21
C. 2-11-86

| | 1969 | 1970 | 1971 | 1972 | 1973 | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1986 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ORGROVE | | | | | | 2.2 | 2.3 | 2.7 | 2.2 | 5.3 | 6.0 | 7.9 | 6.9 | 8.1 | 10.9 | 14 |
| PEACHCREST | | 0.5 | 2.5 | 6.8 | 10.4 | 14.6 | 17.5 | 25.4 | 30.0 | 42.0 | 51.1 | 58.5 | 62.4 | 65.5 | 75.4 | 79 |
| PLEASANTDALE | | | | | | | | | 0.3 | | 0.7 | 0.8 | | 0.9 | 5.1 | 10 |
| RAINBOW | | 0.5 | 0.3 | | 0.1 | 0.5 | 1.1 | 4.7 | 14.5 | 40.3 | 65.6 | 82.3 | 88.0 | 90.0 | 92.6 | 96 |
| REDAN | 19.2 | 15.0 | 13.3 | 10.8 | 7.1 | 5.0 | 5.4 | 5.4 | 4.5 | 4.4 | 6.0 | 8.2 | 9.7 | 10.5 | 11.9 | 23 |
| CARY REYNOLDS | | | | 0.3 | 0.7 | 1.6 | 2.1 | 2.6 | 3.1 | 3.7 | 3.4 | 4.7 | 8.2 | 9.7 | 9.2 | 20 |
| ROCK CHAPEL | 17.3 | 18.4 | 16.6 | 13.5 | 11.5 | 8.1 | 8.5 | 6.5 | 5.8 | 5.9 | 5.7 | 5.8 | 6.2 | 6.1 | 6.5 | 7 |
| ROCKBRIDGE | | | | | | 0.1 | 0.1 | | | 0.5 | 0.6 | 0.9 | 0.8 | 0.9 | 1.5 | 4 |
| ROWLAND | 0.3 | 0.1 | 0.2 | | | 0.2 | 0.5 | 0.3 | 0.2 | 1.7 | 2.1 | 2.6 | 4.6 | 8.0 | 14.3 | 43 |
| SAGAMORE HILLS | | | | | | | | | 0.2 | 1.0 | 1.8 | 7.7 | 14.1 | 19.6 | 19.0 | 24 |
| SHALLOWFORD | | 0.1 | | | | | | | | | 0.4 | 0.2 | 1.5 | 1.5 | 2.0 | CLOSED |
| SKY HAVEN | 3.2 | 6.3 | 11.9 | 41.8 | 62.6 | 79.8 | 91.3 | 94.0 | 96.7 | 95.7 | 96.0 | 96.1 | 95.7 | 96.3 | 96.8 | 97 |
| SKYLAND | 0.9 | | | | 0.2 | 0.3 | 0.2 | 0.4 | 0.6 | 0.8 | 2.5 | 2.7 | 2.3 | 2.7 | 3.5 | CLOSED |
| SMOKE RISE | 11.4 | 8.3 | 7.5 | 7.1 | 6.7 | 5.9 | 6.7 | 5.5 | 5.1 | 5.5 | 4.9 | 9.2 | 5.5 | 6.8 | 9.9 | 13 |
| SNAPFINGER | | | | 0.5 | 2.9 | 9.0 | 22.0 | 44.5 | 64.7 | 79.2 | 91.5 | 94.1 | 95.7 | 96.2 | 97.0 | 97 |
| LESLIE J. STEELE | 13.0 | 26.7 | 84.8 | 96.2 | 98.4 | 98.7 | 98.7 | 98.9 | 99.0 | 98.2 | 98.2 | 99.3 | 98.9 | 98.7 | 99.0 | 100 |
| STONE MILL | | | | | | | 0.4 | 0.2 | 0.2 | 1.1 | 2.7 | 2.3 | 4.2 | 3.7 | 3.5 | 16 |
| ST. MOUNTAIN | 15.8 | 11.2 | 10.5 | 11.6 | 8.2 | 8.9 | 10.7 | 11.0 | 10.7 | 9.7 | 11.9 | 11.1 | 12.9 | 13.0 | 15.1 | 18 |
| STONEVIEW | 11.2 | 22.1 | 22.1 | 26.1 | 29.5 | 36.0 | 35.7 | 40.2 | 38.6 | 39.9 | 39.9 | 42.5 | [illegible] | [illegible] | [illegible] | 53 |
| TERRY MILL | 76.4 | 99.0 | 99.6 | 96.7 | 97.3 | 97.2 | 98.2 | 98.6 | 97.9 | 99.1 | 99.0 | 99.1 | 99.5 | 98.8 | 98.6 | 98 |
| TILSON | 16.0 | 34.2 | 63.5 | 89.6 | 96.9 | 98.9 | 99.1 | 99.0 | 99.1 | 99.6 | 99.2 | 99.9 | 99.4 | 99.7 | 99.7 | 100 |
| TONEY | | 2.4 | 9.6 | [illegible] | 83.7 | 92.1 | 96.0 | 96.6 | 97.0 | 97.7 | 98.1 | 98.8 | 98.6 | 98.1 | 97.8 | 98 |
| VANDERLYN | | | | | 0.3 | 0.3 | 0.4 | 0.4 | 0.7 | 1.5 | 2.3 | 2.5 | 2.8 | 2.7 | 4.1 | 3 |
| WADSWORTH | | | | 5.7 | 26.8 | [illegible] | 67.8 | 80.3 | 86.2 | 88.5 | 93.2 | 92.9 | 93.2 | 92.8 | 95.6 | 97 |
| WOODRIDGE | | | | | | | | 0.7 | 0.6 | 1.4 | 1.9 | 2.6 | 3.7 | 4.3 | 7.7 | 23 |
| WOODWARD | 0.1 | | | | 0.2 | 0.2 | 5.4 | 7.0 | 6.8 | 9.4 | 11.6 | 11.7 | 15.3 | 19.6 | 18.3 | 31 |

TOTAL 49
ELEM.

24 - 64

DEFENDANT'S EXHIBIT
R-22
C.A. 11946

0% - 20%
21% - 40%
41% - 60%
61% - 80%
81% - 100%

# RACIAL TRANSITION ELEMENTARY SCHOOLS 1969 1983
## % BLACK ENROLLMENT

TOTAL SYSTEM: 46.5

| | 1969 | 1970 | 1971 | 1972 | 1973 | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1986 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| HOOPER ALEX. | 28.2 | 36.8 | 47.5 | 63.6 | 70.9 | 77.5 | 79.5 | 82.3 | 86.2 | 85.0 | 84.7 | 87.0 | 87.3 | 88.0 | 89.7 | 94 |
| ALLGOOD | 0.3 | 0.2 | 0.1 | 0.3 | 0.1 | 0.3 | 0.1 | 0.1 | | | | 0.1 | 1.2 | 1.5 | 2.1 | 13 |
| ASHFORD PARK | | | | 0.2 | 0.8 | 1.9 | 0.1 | 5.9 | 7.1 | 5.3 | 5.7 | 5.3 | 6.6 | 8.9 | 10.3 | 15 |
| ATHERTON | | | | 0.3 | | 0.1 | 0.1 | 0.1 | 6.0 | 7.2 | 13.6 | 18.8 | 27.1 | 37.5 | 46.7 | 67 |
| AUSTIN | | | | | | | 0.2 | | | 0.1 | 0.3 | 0.1 | 0.2 | 0.2 | 0.2 | 1 |
| AVONDALE | 20.2 | 15.5 | 15.2 | 16.9 | 15.0 | 18.9 | 31.0 | 39.9 | 38.9 | 41.3 | 44.6 | 49.7 | 51.6 | 56.8 | 61.0 | 73 |
| BRIARLAKE | 0.5 | 0.5 | 0.4 | 0.5 | 0.3 | 0.4 | 0.4 | | 1.1 | 2.7 | 3.7 | 3.6 | 5.9 | 9.6 | 11.8 | 27 |
| BRIAR VISTA | | | | | | | 0.8 | 0.9 | 2.3 | 2.5 | 1.7 | 3.9 | 7.0 | 11.7 | 15.6 | 39 |
| BROCKETT | 0.1 | | | | | | | 0.2 | | | | | | 0.4 | 0.4 | 2 |
| CANBY LANE | 0.1 | 0.1 | 0.1 | | | 0.1 | 3.0 | 8.1 | 20.1 | 45.7 | 64.9 | 74.0 | 84.7 | 83.1 | 86.3 | 91 |
| MURPHEY CANDLER | 16.1 | 14.0 | 13.1 | 10.1 | 7.6 | 4.1 | 4.7 | 5.3 | 7.4 | 8.5 | 9.1 | 9.9 | 11.8 | 14.5 | 20.0 | 43 |
| CEDAR GROVE | | | | | 3.4 | 14.0 | 11.5 | 21.5 | 32.9 | 54.4 | 61.6 | 68.8 | 72.5 | 73.8 | 76.3 | 89 |
| CHAPEL HILL | 10.9 | 11.9 | 12.1 | 11.1 | 8.6 | 10.0 | 12.0 | 13.3 | 21.7 | 41.9 | 63.7 | 77.0 | 87.0 | 90.9 | 95.3 | 99 |
| CHESNUT | | | | | | | | 0.2 | 0.4 | 0.4 | 0.6 | 0.8 | 2.1 | 2.4 | 6.3 | 9 |
| CLIFTON | 4.7 | 7.0 | 6.3 | 9.5 | 23.7 | 65.7 | 76.7 | 88.3 | 94.3 | 96.5 | 97.5 | 98.3 | 98.5 | 98.2 | 98.7 | 97 |
| COLUMBIA | | | 0.1 | 1.8 | 10.6 | 26.8 | 48.2 | 66.0 | 78.5 | 91.7 | 96.0 | 97.1 | 97.5 | 98.7 | 98.7 | 98 |
| DRESDEN | | 0.1 | | | 0.6 | 0.7 | 1.1 | 0.5 | 0.8 | 2.1 | 4.6 | 7.0 | 9.1 | 8.5 | 13.1 | 35 |
| DUNAIRE | 0.6 | | | 0.2 | 0.3 | 1.2 | 0.8 | 1.0 | 1.2 | 2.7 | 3.7 | 6.2 | 6.2 | 12.7 | 23.0 | 42 |
| DUNWOODY | | | | | 0.2 | 0.1 | | | 0.1 | | 0.1 | 0.3 | 0.8 | 1.7 | 2.5 | CLOSED |
| EVANSDALE | | | | | | | | | | | | 0.5 | 0.3 | | | 3 |
| FAIRINGTON | | | | | | | 5.9 | 6.8 | 10.2 | 11.4 | 19.4 | 31.9 | 36.7 | 45.0 | 55.0 | 78 |
| FERNBANK | 0.4 | | | | | 0.5 | 2.7 | 4.3 | 9.9 | 21.3 | 31.9 | 32.1 | 33.0 | 36.3 | 39.1 | 45 |
| FLAT SHOALS | | | 0.2 | 4.5 | 33.0 | 55.0 | 67.5 | 83.1 | 92.4 | 98.0 | 98.0 | 98.9 | 99.4 | 99.3 | 99.6 | 9 |
| FORREST HILLS | 25.8 | 22.6 | 20.4 | 20.8 | 22.5 | 25.5 | 26.8 | 26.3 | 21.1 | 33.5 | 38.5 | 41.0 | 41.0 | [illegible] | [illegible] | 46 |
| GLEN HAVEN | 2.1 | 1.7 | 1.6 | 1.7 | 1.9 | 3.1 | 7.5 | 9.0 | 7.1 | 15.7 | 20.2 | 28.4 | 28.8 | 28.6 | 30.6 | 55 |

DEFENDANT'S EXHIBIT R-23 C.A. 1196

24-Ld

0 20%
21 40%
41 60%
61 80%
81 100%

## RACIAL TRANSITION ELEMENTARY SCHOOLS 1969 1983
### %BLACK ENROLLMENT

| | 1969 | 1970 | 1971 | 1972 | 1973 | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1986 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| GRESHAM PARK | | | 1.6 | 23.1 | 60.8 | 79.2 | 89.8 | 95.7 | 98.0 | 98.4 | 97.9 | 98.1 | 98.1 | 97.6 | 97.5 | 98 |
| HAMBRICK | | | | | | | | | | 0.5 | 0.7 | 0.2 | 0.7 | 1.5 | 4.0 | 30 |
| HAWTHORNE | | | | 0.2 | | 0.2 | 0.2 | 0.7 | 0.7 | 1.4 | 1.1 | 3.5 | 3.4 | 4.0 | 6.6 | 21 |
| HENDERSON MILL | | | | | | | | | | | 0.6 | 0.6 | 0.3 | 9.4 | 15.4 | 28 |
| HIGHTOWER | 1.1 | 1.0 | 2.1 | 2.0 | 3.2 | 3.0 | 2.3 | 3.0 | 2.9 | 5.8 | 6.4 | 9.3 | 9.1 | 11.2 | 12.1 | 31 |
| HUNTLEY HILLS | 8.1 | 8.5 | 7.8 | 6.8 | 6.0 | 6.5 | 7.3 | 6.3 | 6.0 | 7.7 | 6.5 | 9.0 | 12.9 | 17.3 | 16.3 | 20 |
| IDLEWOOD | 4.0 | 1.8 | 2.5 | 2.1 | 2.5 | 2.3 | 2.2 | 2.5 | 2.6 | 4.4 | 5.5 | 5.8 | 3.9 | 7.4 | 9.7 | 20 |
| INDIAN CREEK | 21.3 | 19.6 | 14.2 | 11.7 | 9.8 | 14.9 | 16.7 | 16.3 | 16.7 | 16.2 | 22.1 | 26.7 | 31.3 | 33.1 | 36.1 | 57 |
| JOLLY | | | 0.1 | 0.1 | | | 0.4 | 1.1 | 0.9 | 4.2 | 2.4 | 4.8 | 6.7 | 7.9 | 9.8 | 34 |
| KELLEY LAKE | 1.9 | 1.4 | 7.4 | 36.7 | 57.7 | 75.5 | 88.6 | 96.2 | 98.0 | 98.6 | 99.1 | 99.1 | 98.6 | 93.8 | 98.5 | 99 |
| KINGSLEY | | | 0.1 | | | | | | | | | 0.3 | 0.7 | 1.0 | 2.0 | 3 |
| KNOLLWOOD | 0.1 | 0.1 | 0.8 | 8.5 | 24.4 | 36.1 | 49.7 | 57.9 | 69.3 | 81.9 | 85.7 | 88.9 | 88.9 | 89.8 | 91.1 | 94 |
| LAUREL RIDGE | | | | | | | 0.3 | 0.6 | 0.6 | 1.2 | 1.3 | 1.6 | 3.2 | 1.6 | 1.1 | 11 |
| LIVSEY | | | | | | | | | | 0.2 | | | | | 1.6 | 2 |
| MAINSTREET | | | | | | | | | | | | 2.5 | 7.7 | 8.1 | 10.1 | 22 |
| BOB MATHIS | | | | | | | 1.2 | 4.9 | 25.9 | 45.7 | 65.9 | 82.1 | 86.2 | 89.9 | 91.9 | 98 |
| McLENDON | 13.8 | 22.5 | 21.8 | 16.7 | 15.4 | 7.8 | 7.9 | 7.5 | 9.3 | 11.0 | 14.2 | 15.9 | 17.9 | 17.2 | 19.8 | 34 |
| MEADOWVIEW | | | 0.6 | 10.2 | 40.7 | 57.9 | 65.9 | 73.6 | 75.9 | 79.9 | 79.3 | 80.4 | 78.8 | 80.6 | 81.6 | 8 |
| MEDLOCK | 19.1 | 13.6 | 13.8 | 16.1 | 15.7 | 19.3 | 19.9 | 19.6 | 18.6 | 19.0 | 22.5 | 21.6 | 27.7 | 29.4 | 33.8 | 3 |
| MIDVALE | | 0.1 | 0.4 | | | | | | | 0.2 | 0.6 | 0.2 | 0.2 | 0.5 | 0.2 | 5 |
| MIDWAY | | 0.2 | 0.2 | 1.0 | 1.1 | 2.0 | 1.7 | 5.0 | 8.9 | 14.8 | 29.1 | 29.4 | 35.4 | 37.1 | 43.3 | 56 |
| MONTCLAIR | 0.8 | 0.4 | 0.5 | 0.8 | 1.4 | 1.0 | 2.1 | 2.1 | 1.7 | 2.9 | 8.6 | 6.3 | 10.2 | 11.4 | 11.7 | 23 |
| MONTGOMERY | 8.9 | 10.5 | 10.1 | 7.5 | 10.9 | 8.6 | 11.5 | 11.2 | 9.9 | 10.3 | 10.1 | 11.9 | 13.4 | 14.0 | 14.7 | 21 |
| NANCY CREEK | | 0.1 | 0.3 | 0.4 | 0.1 | | 1.5 | 2.1 | 1.6 | 1.2 | 2.2 | 6.9 | 8.0 | 9.4 | 11.8 | 18 |
| OAKCLIFF | | 0.1 | 0.1 | 0.9 | 0.5 | 0.3 | 0.8 | 0.6 | 0.7 | 1.5 | 1.6 | 2.3 | 3.9 | 5.6 | 7.4 | 17 |

**PLAINTIFF'S EXHIBIT 96**

## DEKALB COUNTY ELEMENTARY SCHOOLS, BY TYPE

TYPE I SCHOOLS
(Long-Term White):

Allgood
Ashford Park
Austin
Briarlake
Briar Vista
Brockett
Murphey Candler
Chesnut
Dresden
Dunaire
Evansdale
Fernbank
Forrest Hills
Hambrick
Hawthorne
Henderson Mill
Hightower
Huntley Hills
Idlewood
Jolly
Kingsley
Knollwood
Laurel Ridge
Livsey
McLendon
Mainstreet
Medlock
Midvale
Montclair
Montgomery
Nancy Creek
Oakcliff
Oak Grove
Pleansantdale
Redan
Cary Reynolds
Rockbridge
Rock Chapel
Rowland
Sagamore Hills
Smoke Rise
Stone Mill
Stone Mountain
Vanderlyn
Woodbridge
Woodward

---

TYPE II SCHOOLS
(White 1976, Black 1986):

Atherton
Avondale
Canby Lane
Chapel Hill
Cedar Grove
Fairington
Glen Haven
Indian Creek
Bob Mathis
Midway
Peachcrest
Rainbow
Snapfinger
Stoneview

TYPE III SCHOOLS
(Long-Term Black):

Hooper Alexander
Clifton
Columbia
Flat Shoals
Gresham Park
Kelley Lake
Knollwood
Meadowview
Sky Haven
Leslie Steele
Terry Mill
Tilson
Toney
Wadsworth

---

DEKALB COUNTY HIGH SCHOOLS, BY TYPE

TYPE I SCHOOLS
(Long-Term White):

Chamblee
Clarkston
Cross Keys
Druid Hills
Dunwoody
Henderson
Lakeside
Lithonia
Peachtree
Redan
Sequoyah
Shamrock
Stone Mountain
Tucker

---

TYPE II SCHOOLS
(White 1976, Black, 1986):

Avondale
Briarcliff
Cedar Grove
Southwest DeKalb
Towers

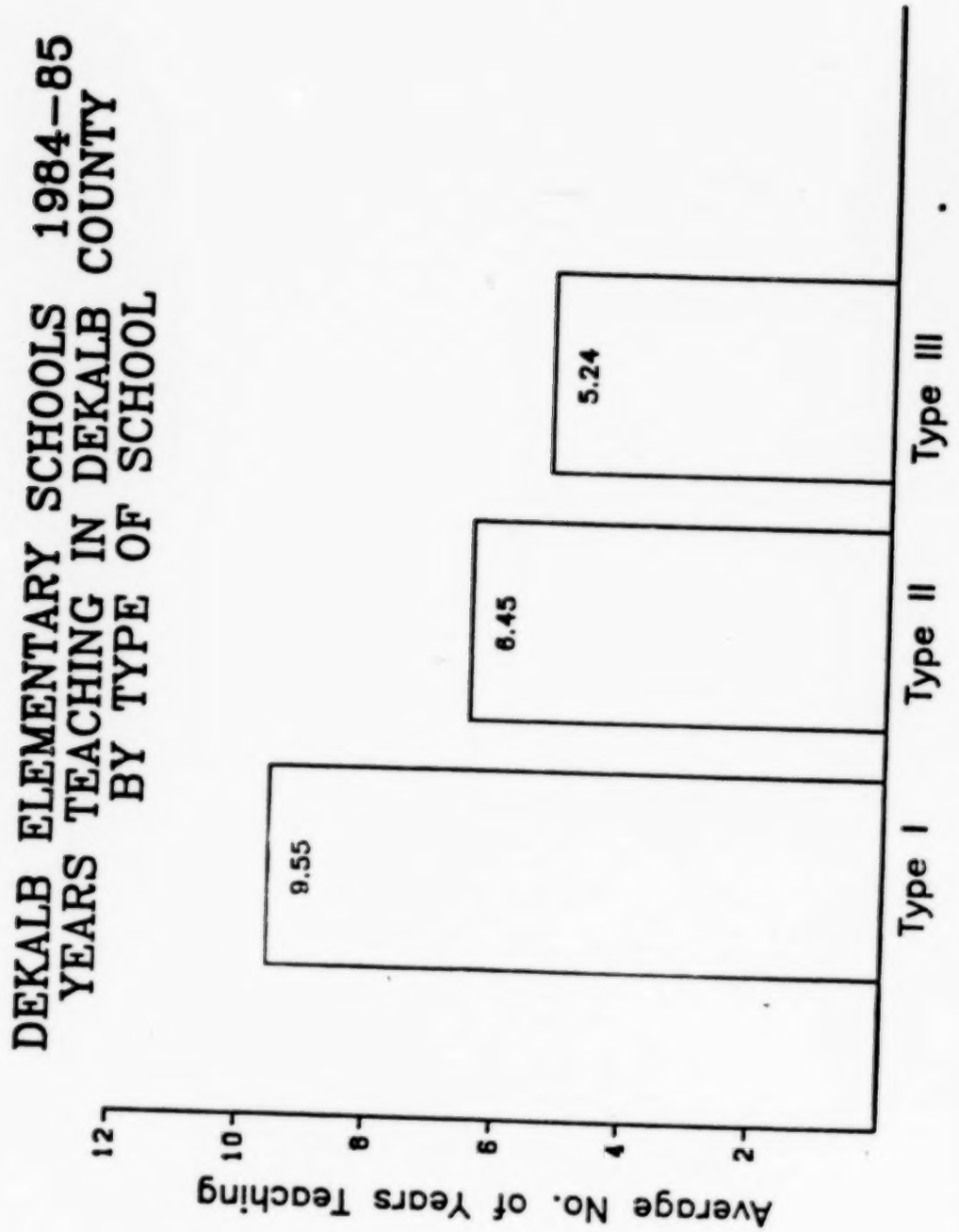
---

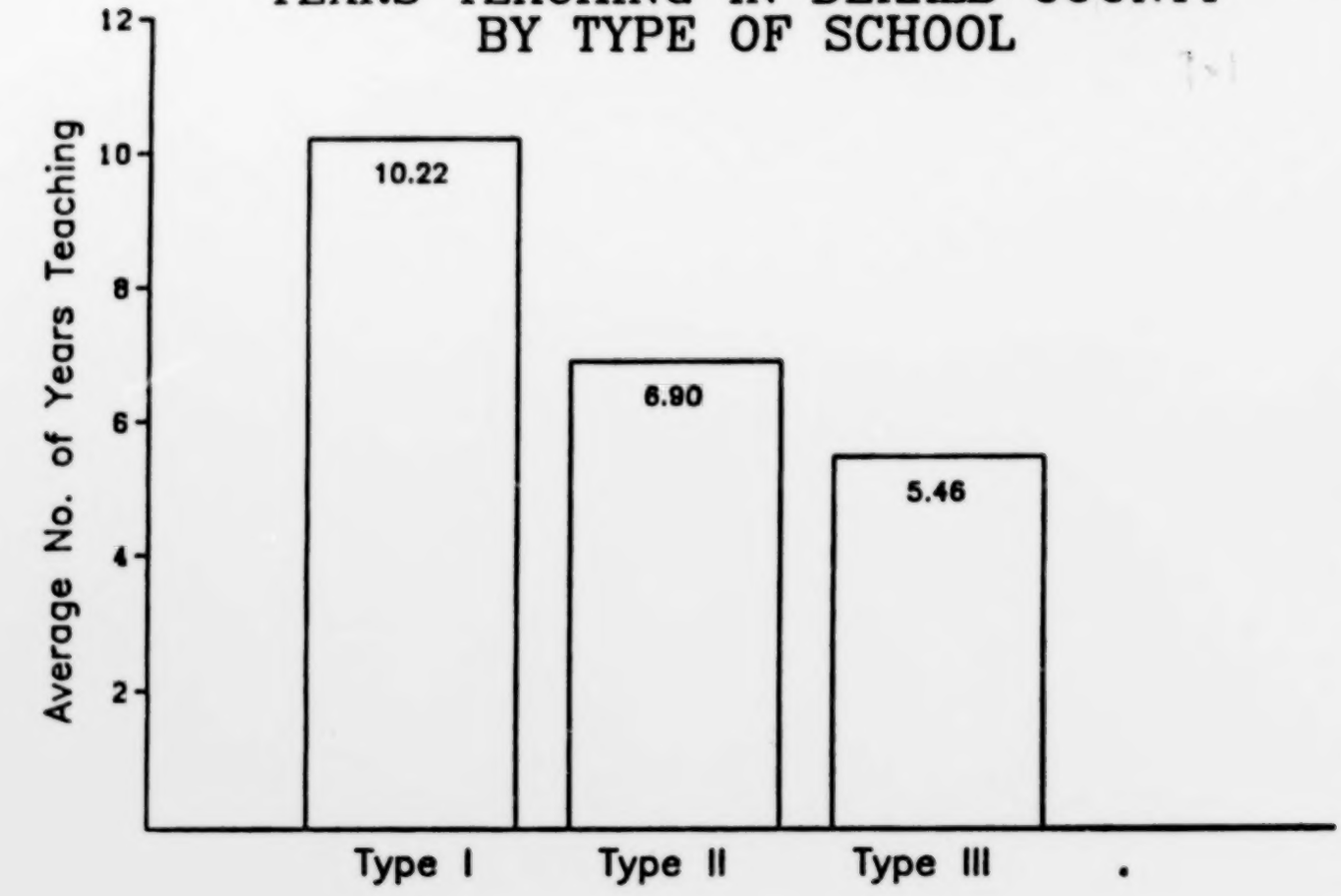
TYPE III SCHOOLS
(Long-Term Black):

Columbia
Gordon
Walker



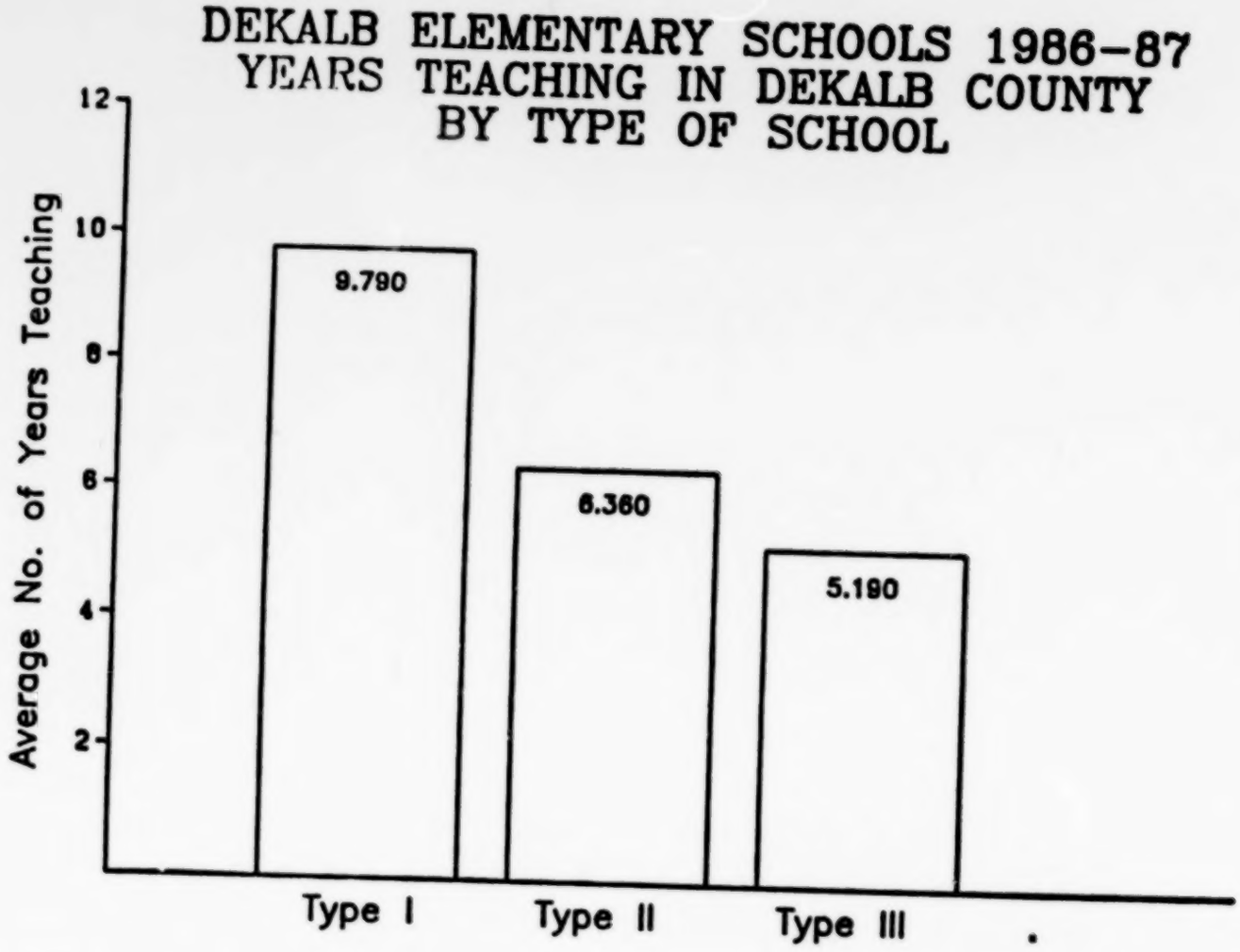
**PLAINTIFF'S EXHIBIT 97a**





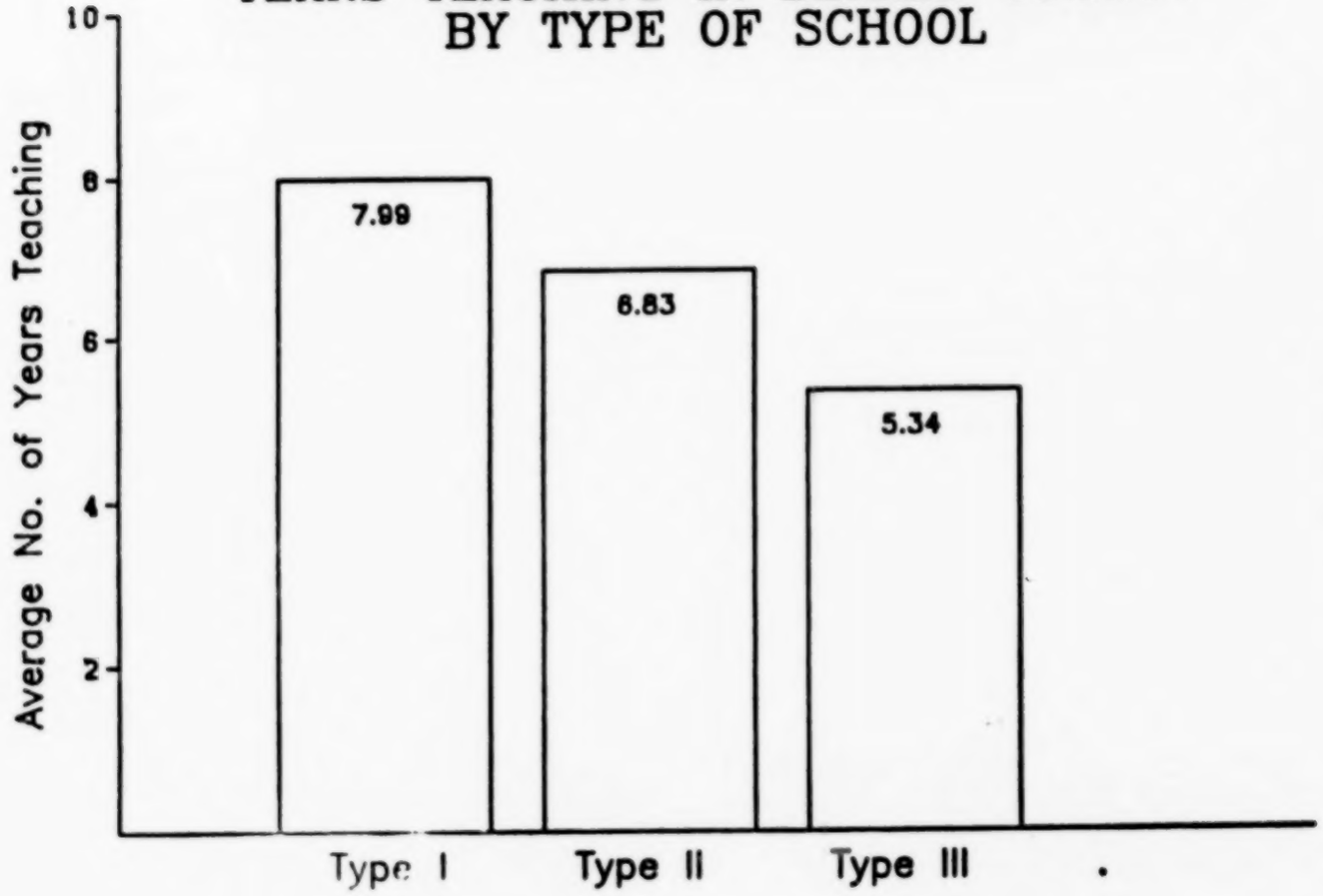

PLAINTIFF'S EXHIBIT 97b

512



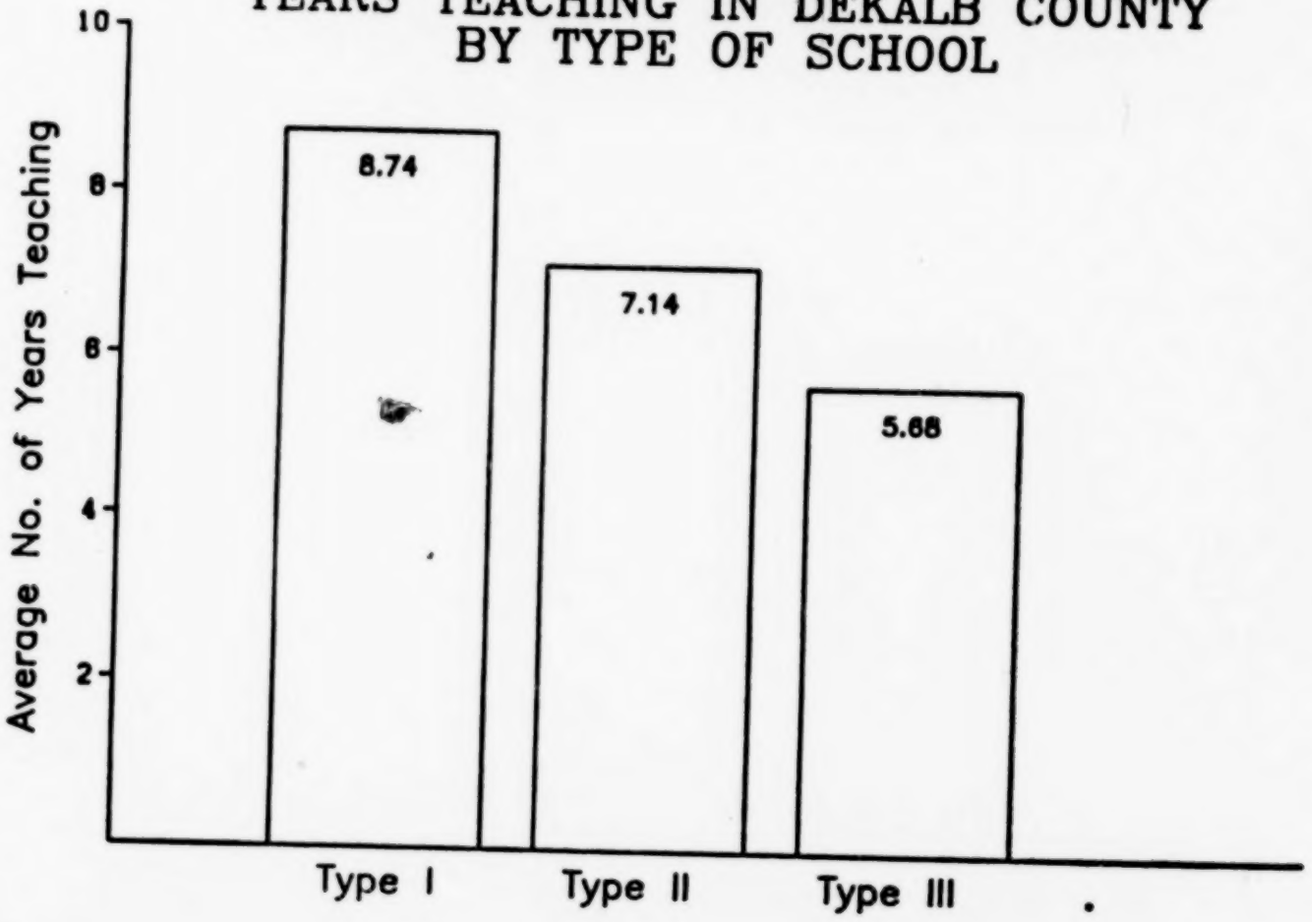

PLAINTIFF'S EXHIBIT 97c

513



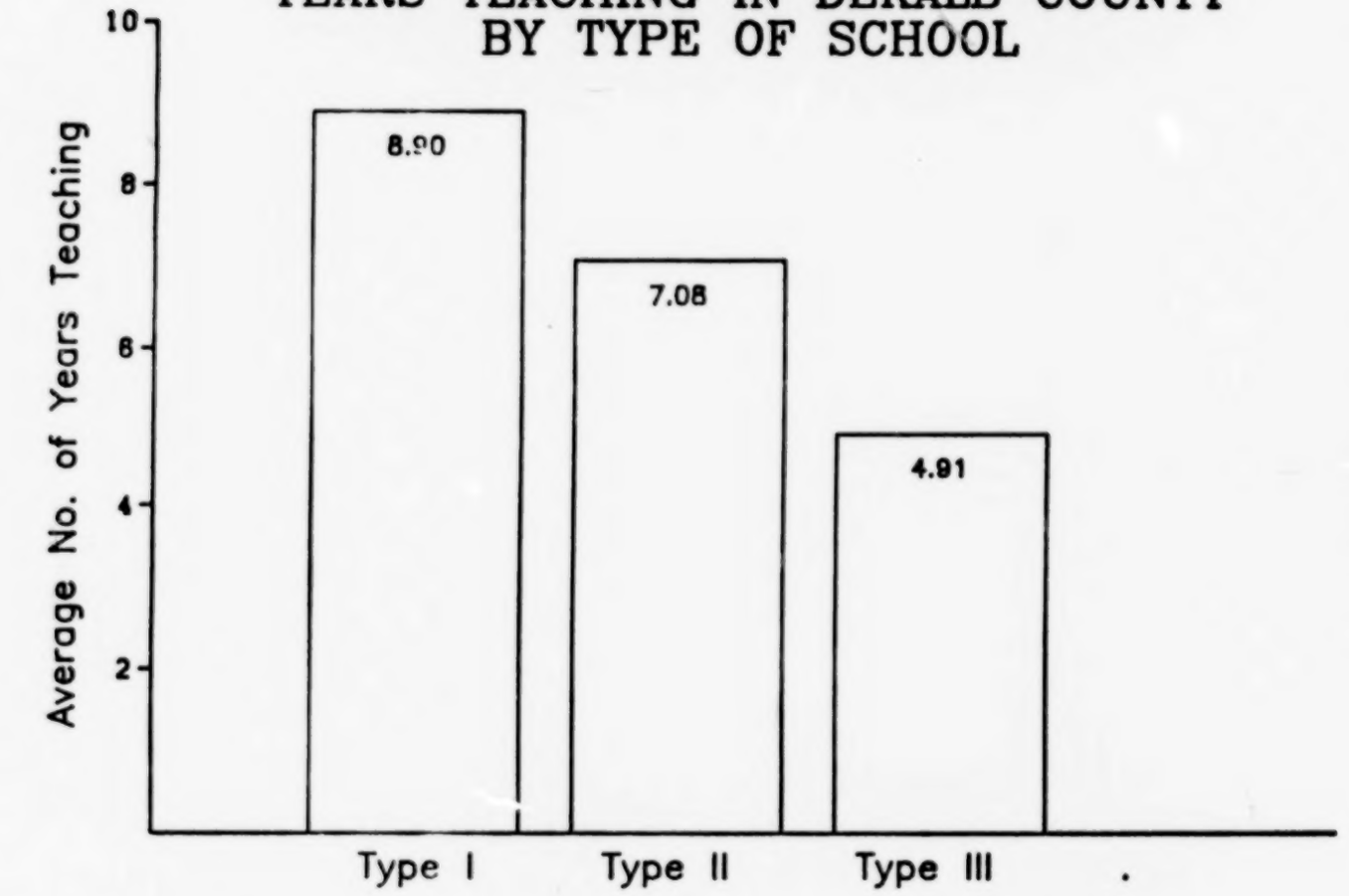

PLAINTIFF'S EXHIBIT 98a

514



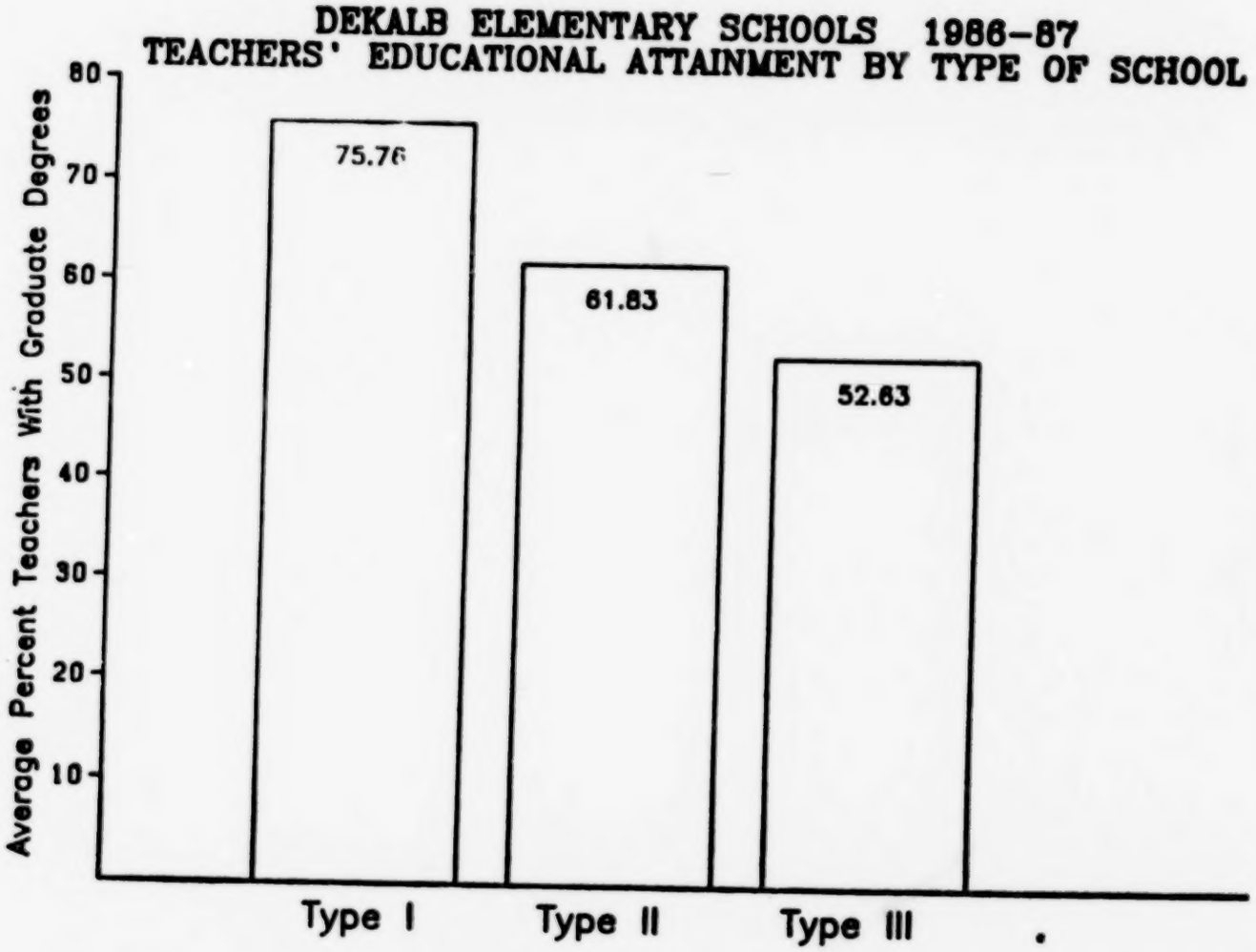

PLAINTIFF'S EXHIBIT 98b

515




PLAINTIFF'S EXHIBIT 98c

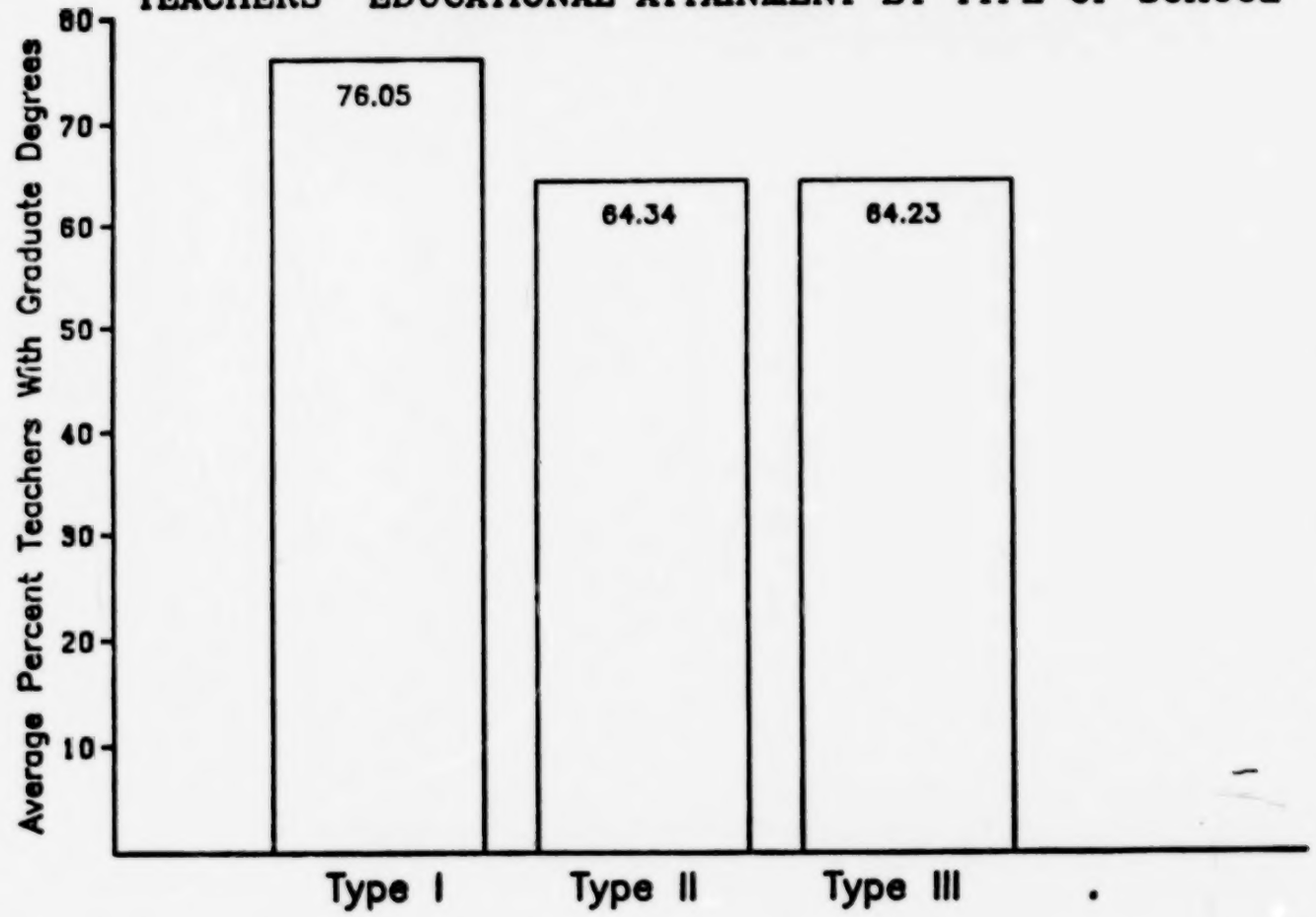
516




PLAINTIFF'S EXHIBIT 99

517

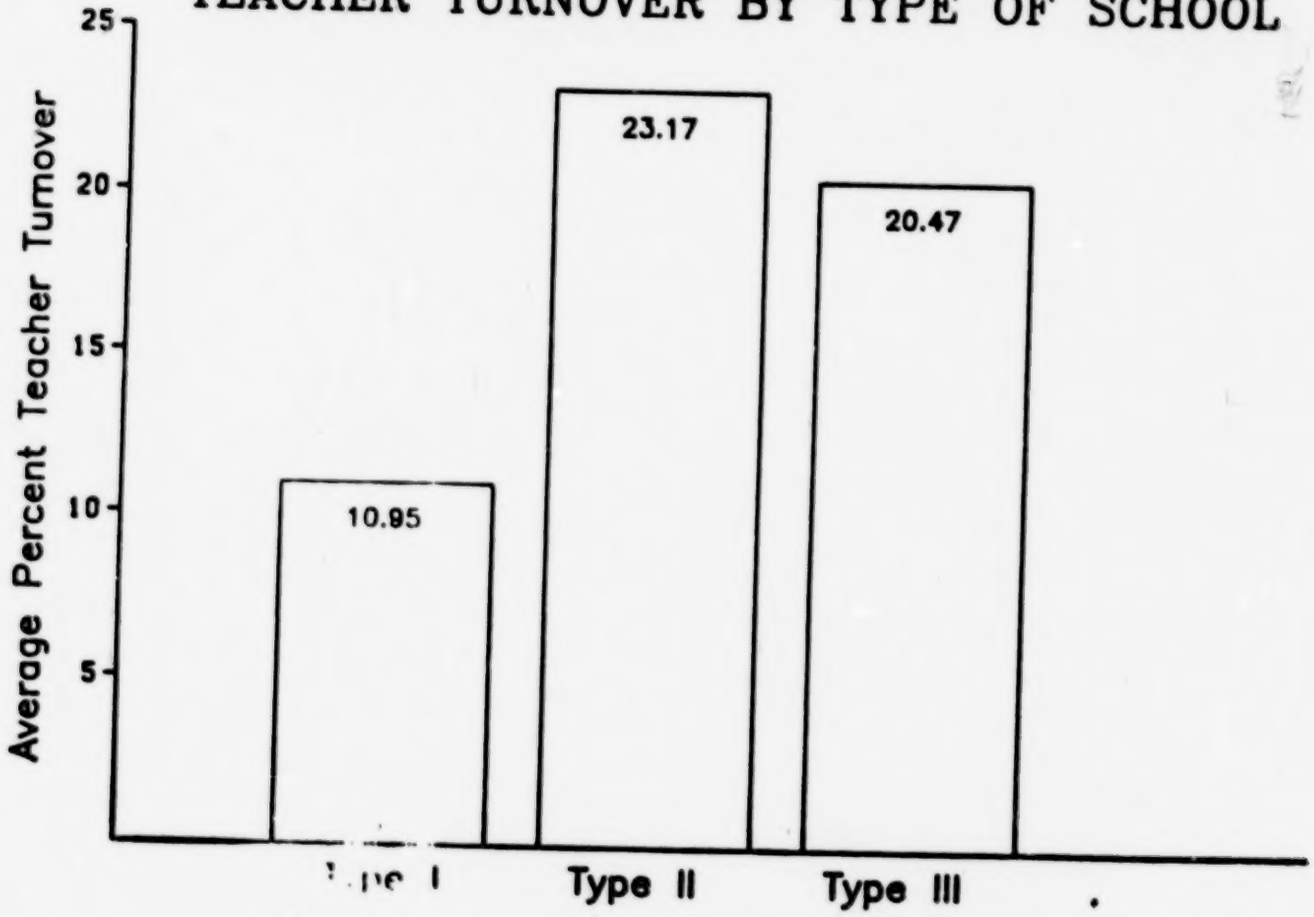
DEKALB HIGH SCHOOLS 1986-87
TEACHERS' EDUCATIONAL ATTAINMENT BY TYPE OF SCHOOL




PLAINTIFF'S EXHIBIT 100

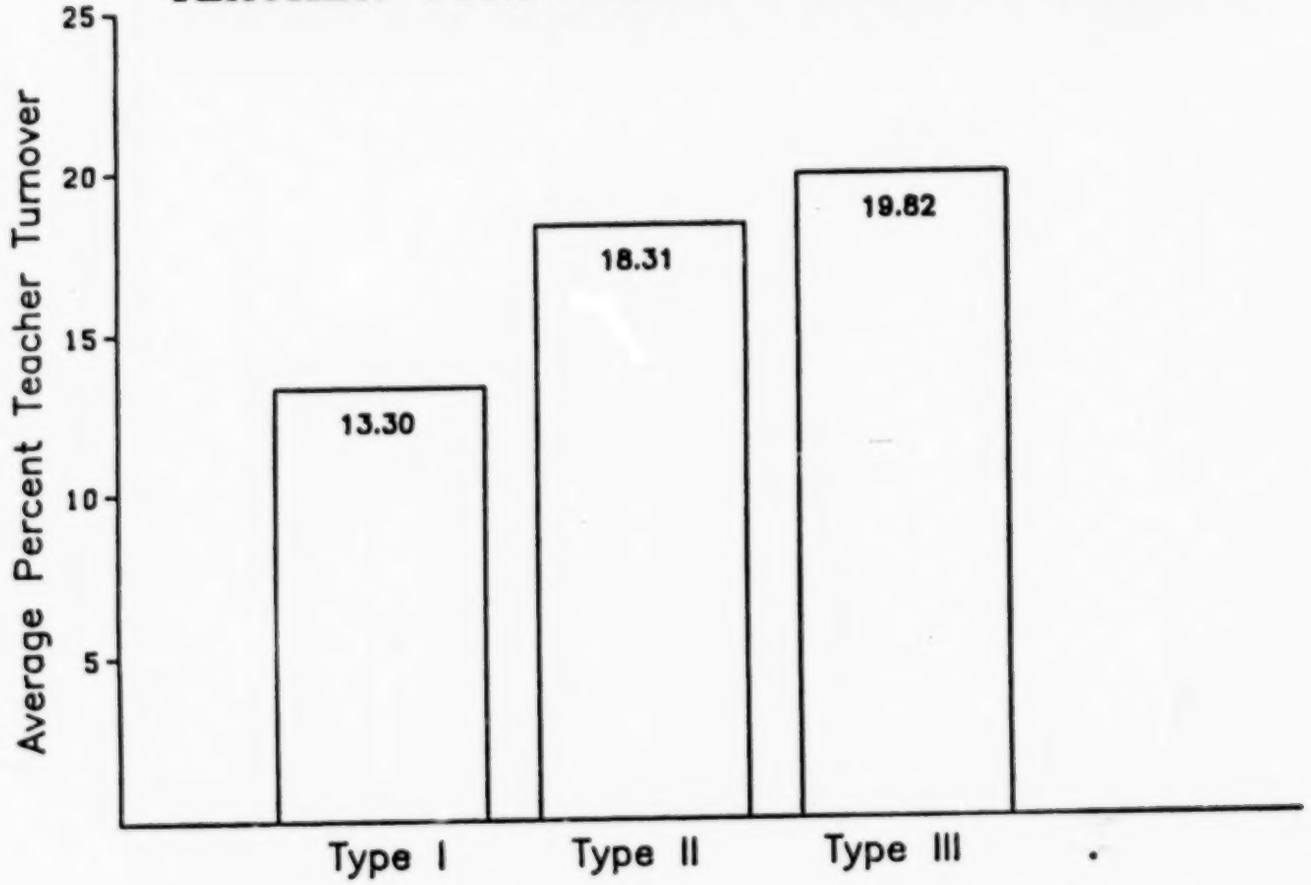
518

DEKALB ELEMENTARY SCHOOLS 1984-85
TEACHER TURNOVER BY TYPE OF SCHOOL



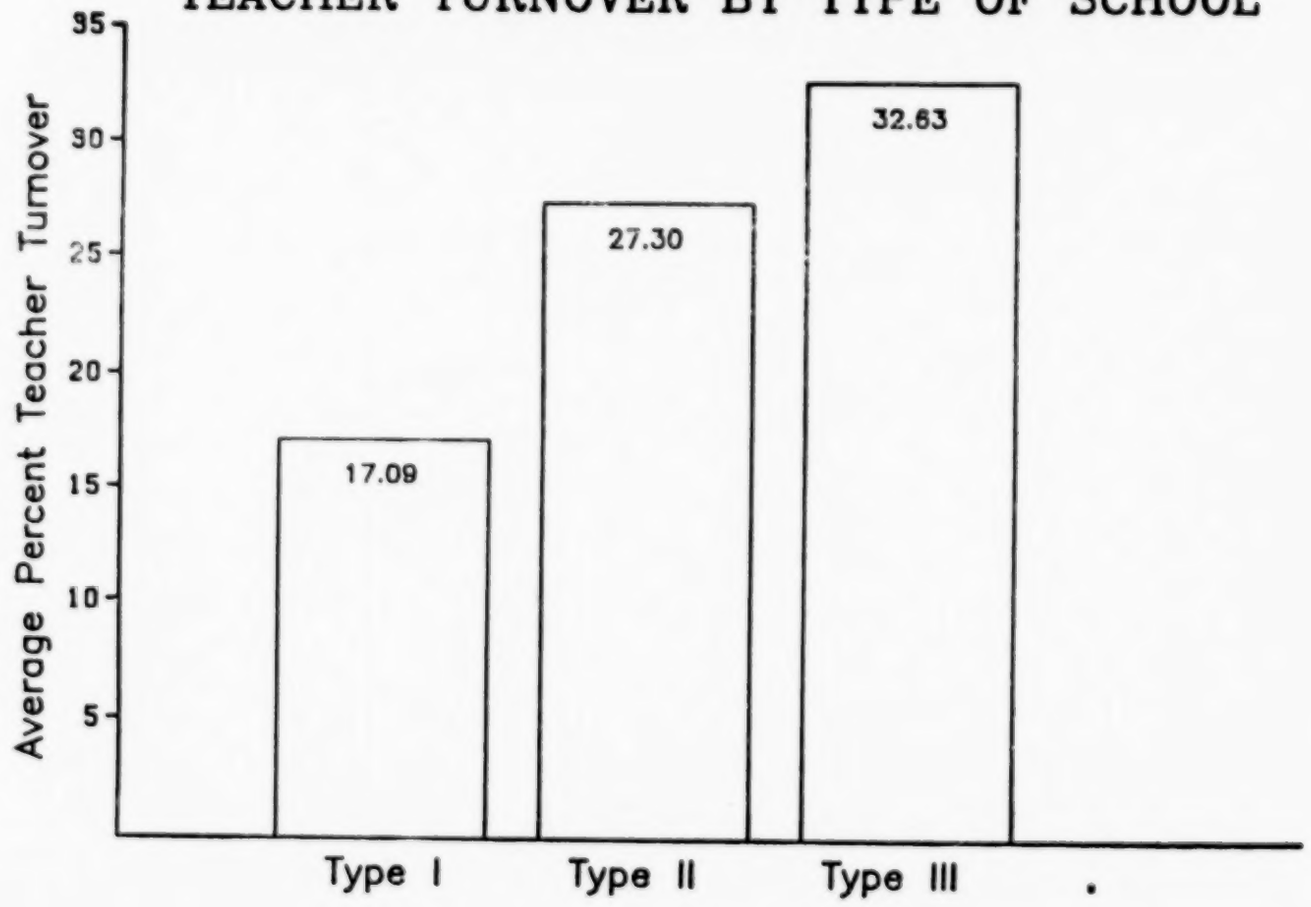

PLAINTIFF'S EXHIBIT 101a

519



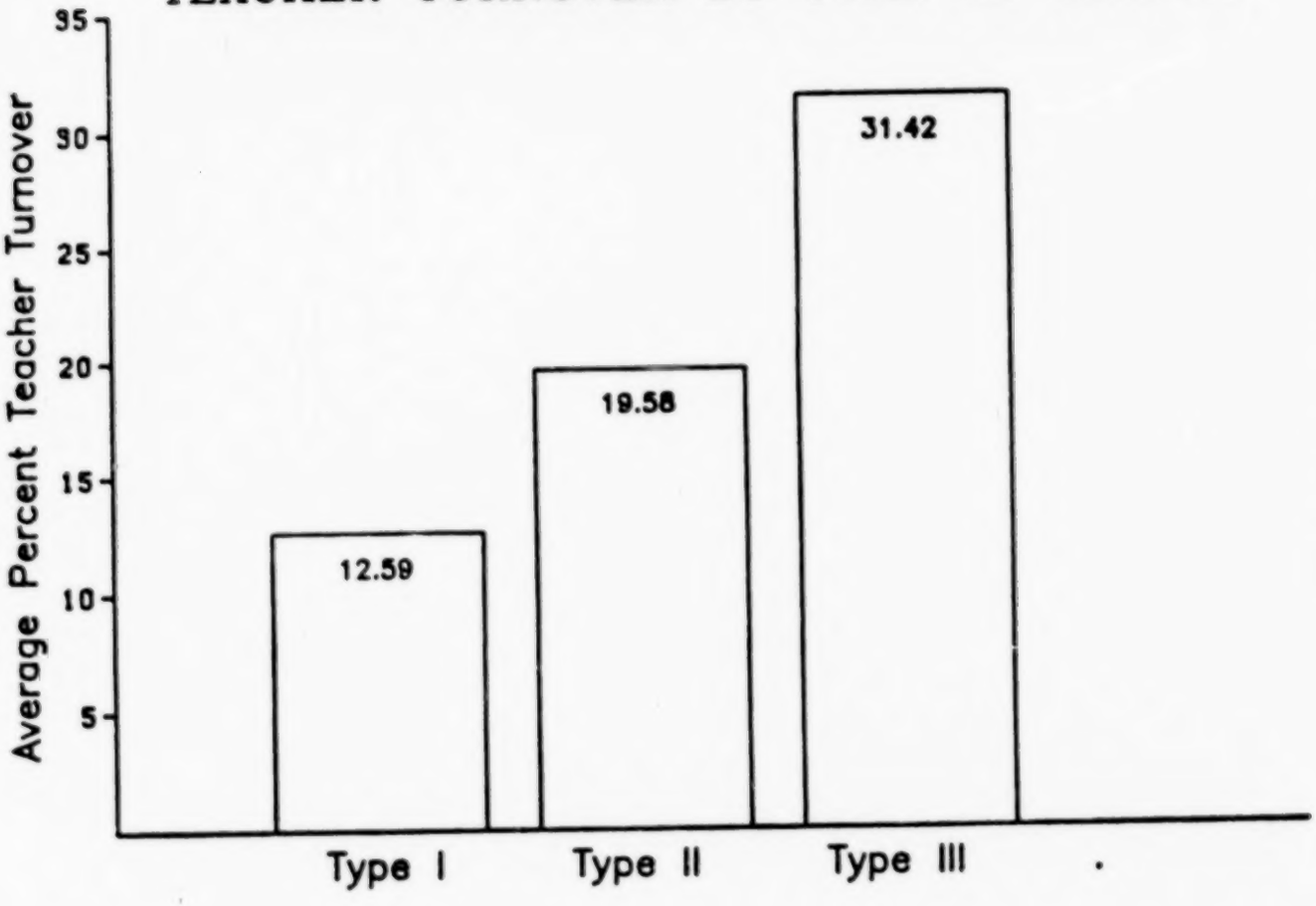

PLAINTIFF'S EXHIBIT 101b

520



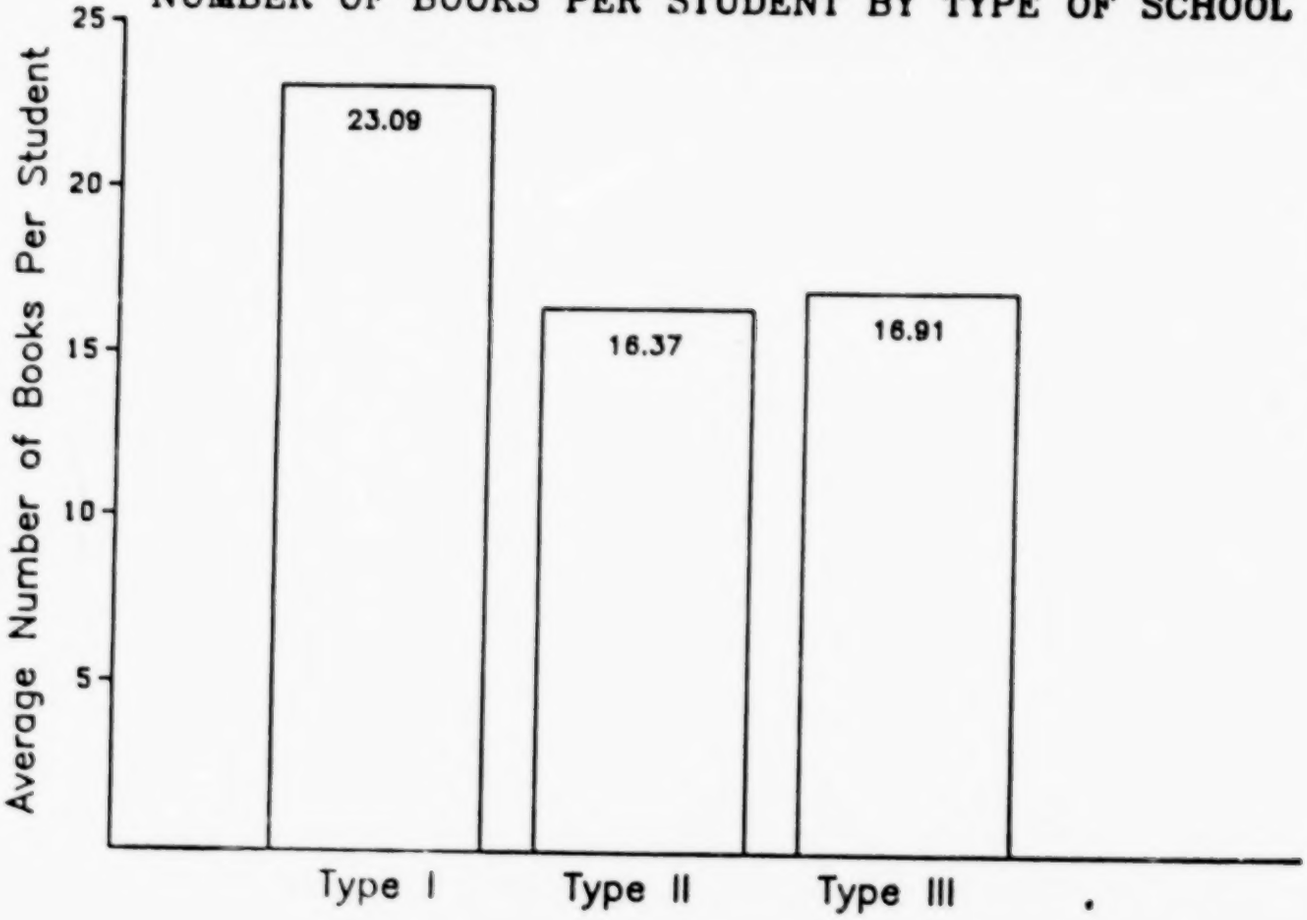

PLAINTIFF'S EXHIBIT 102a

521



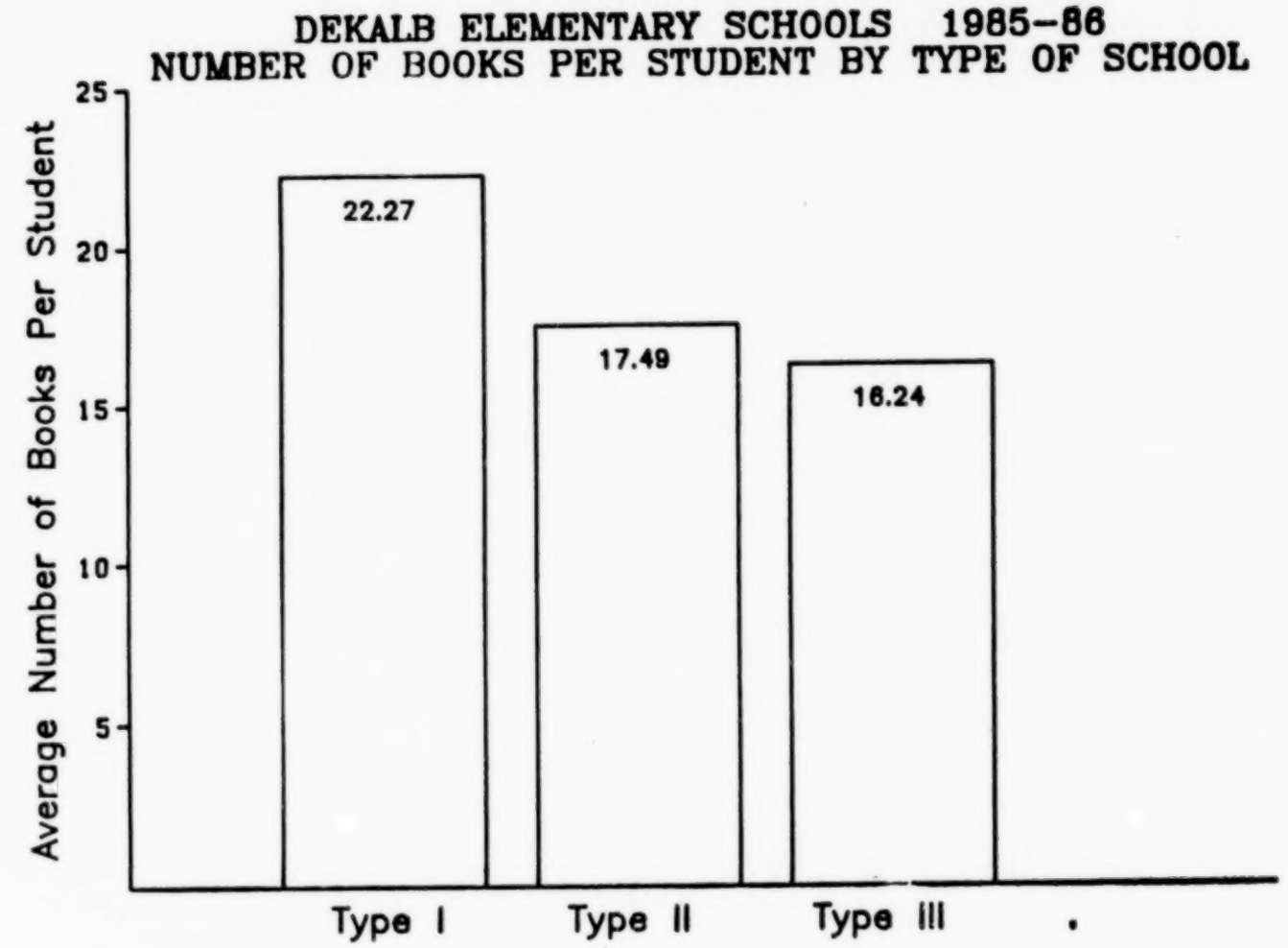

PLAINTIFF'S EXHIBIT 102b

522



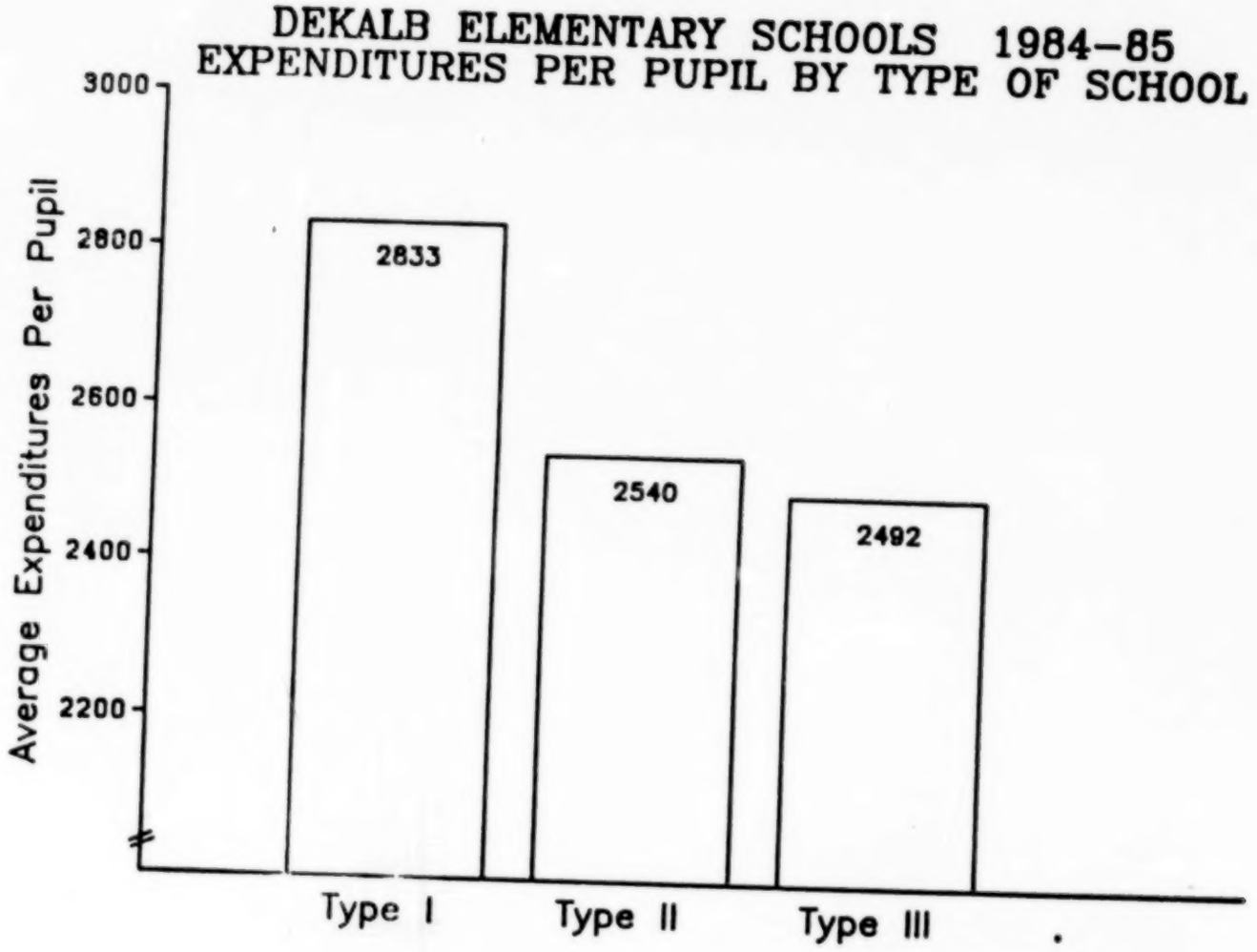

PLAINTIFF'S EXHIBIT 103a

523



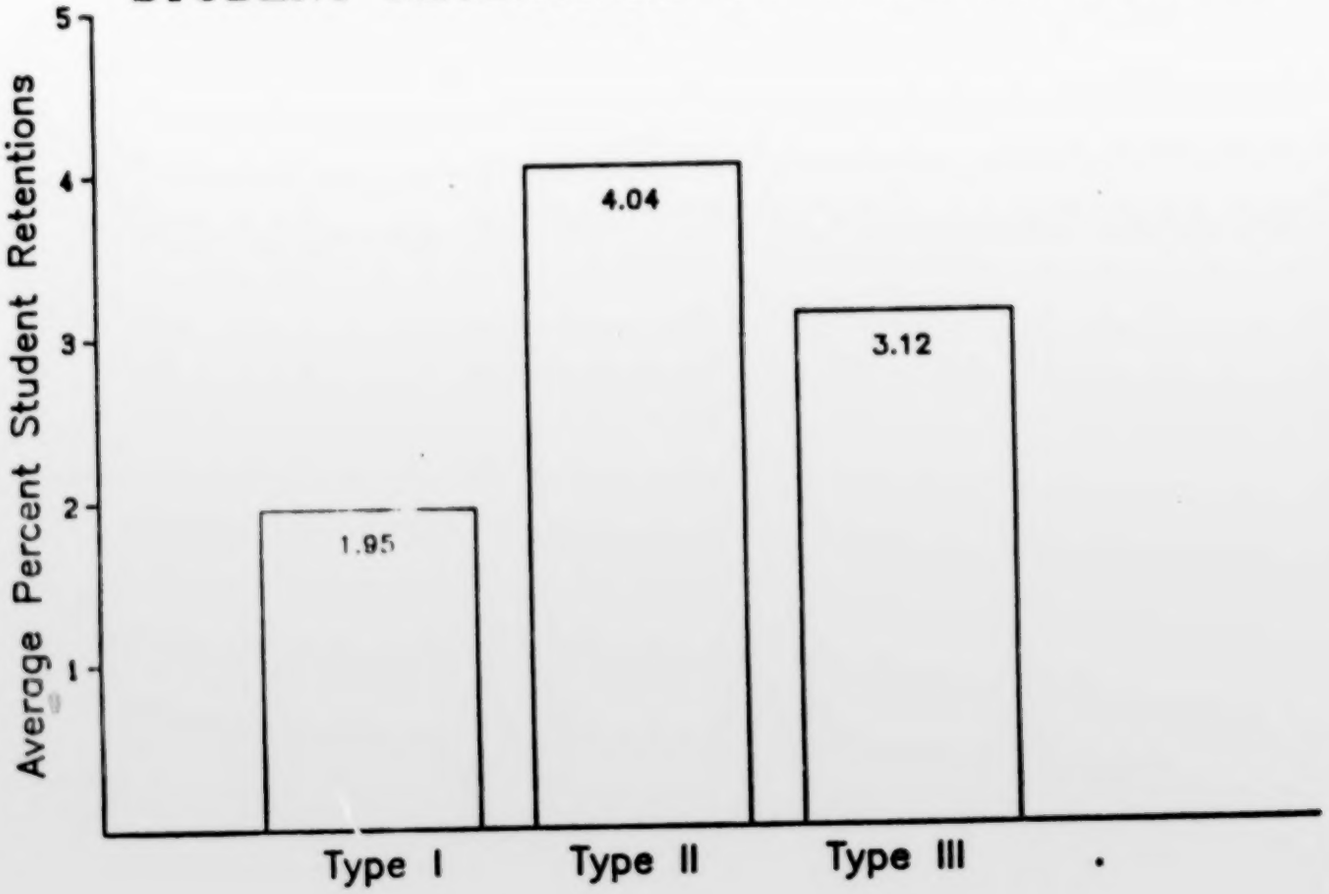

PLAINTIFF'S EXHIBIT 103b

524



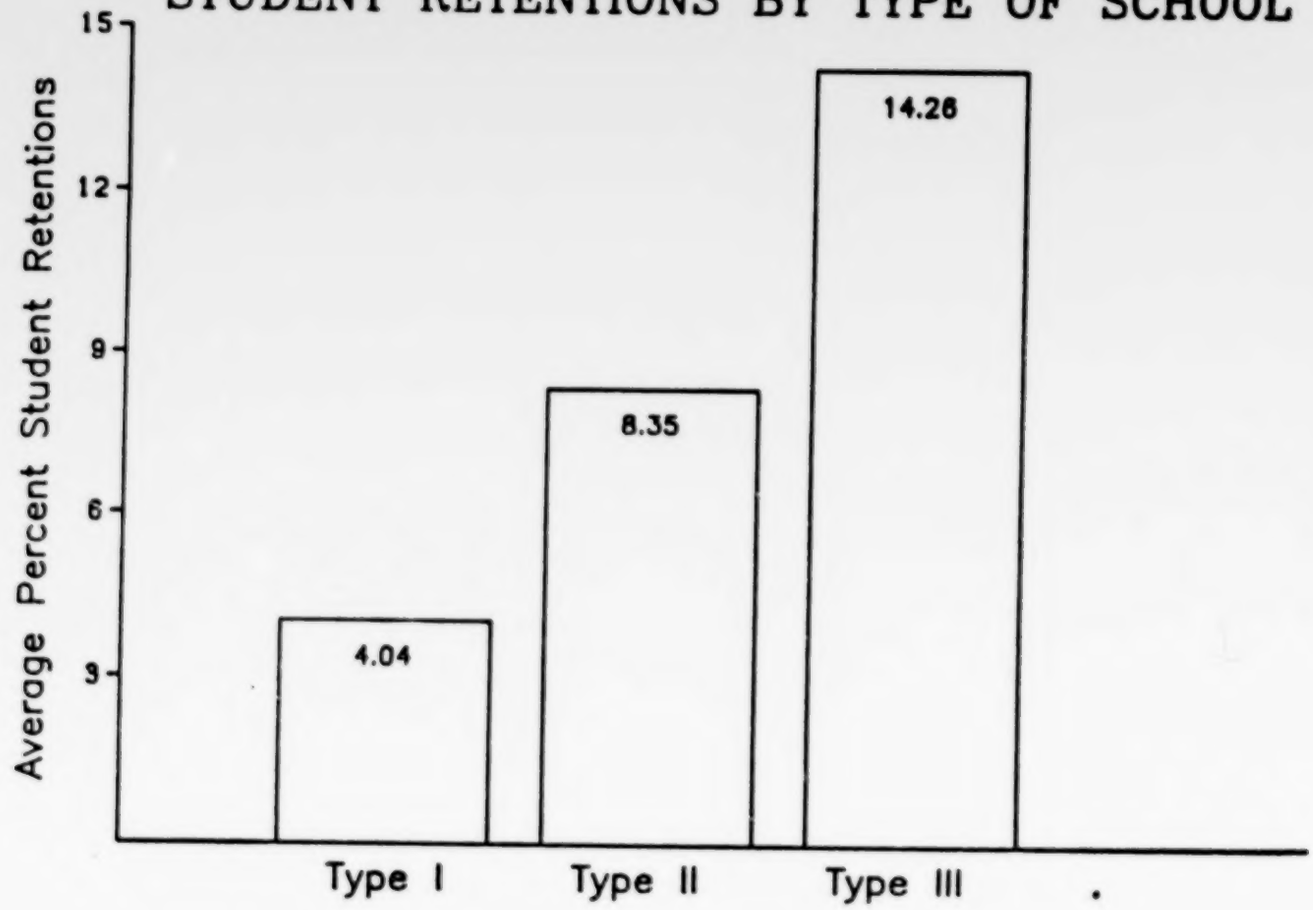

PLAINTIFF'S EXHIBIT 104

525



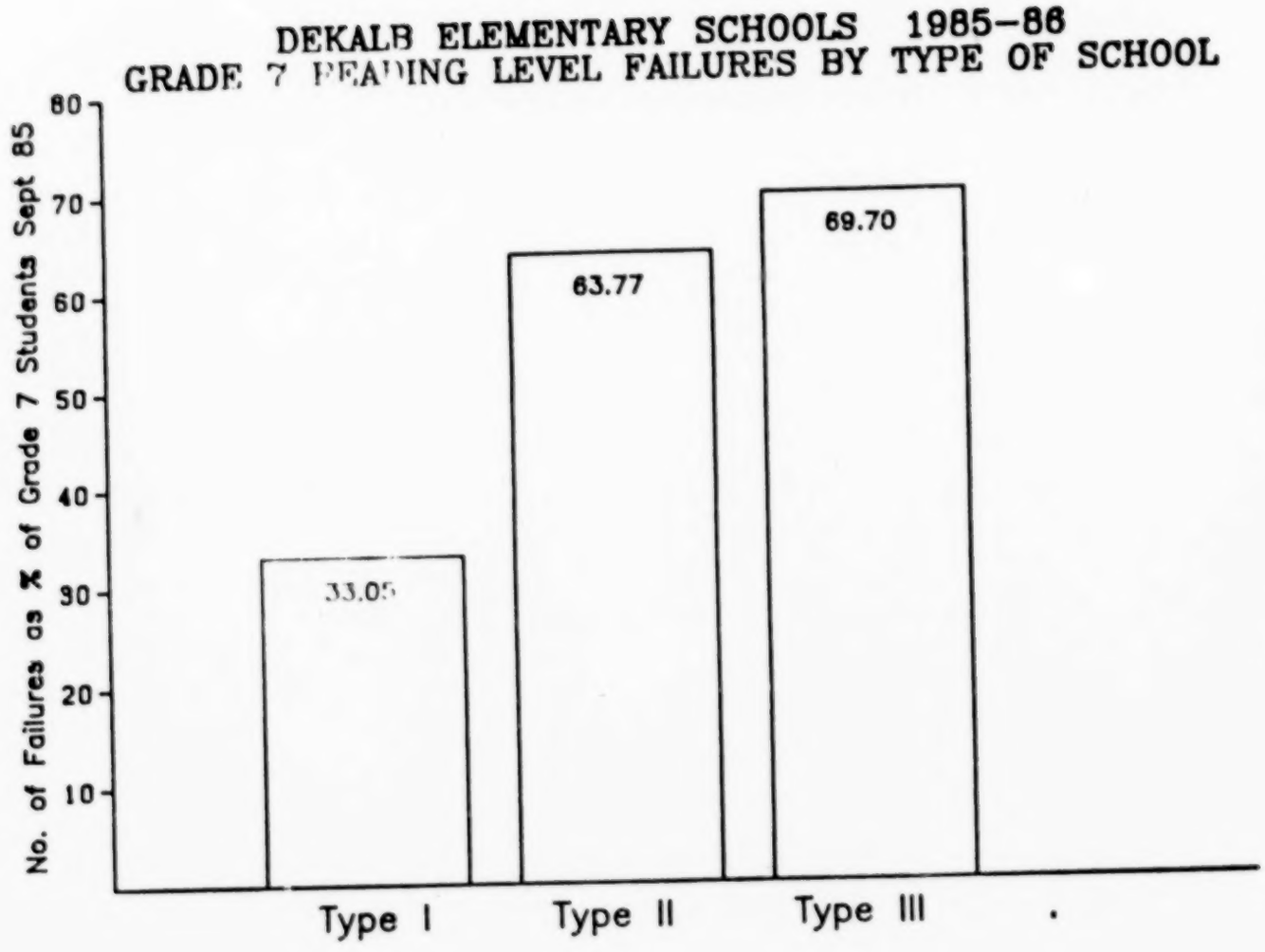

PLAINTIFF'S EXHIBIT 105

526



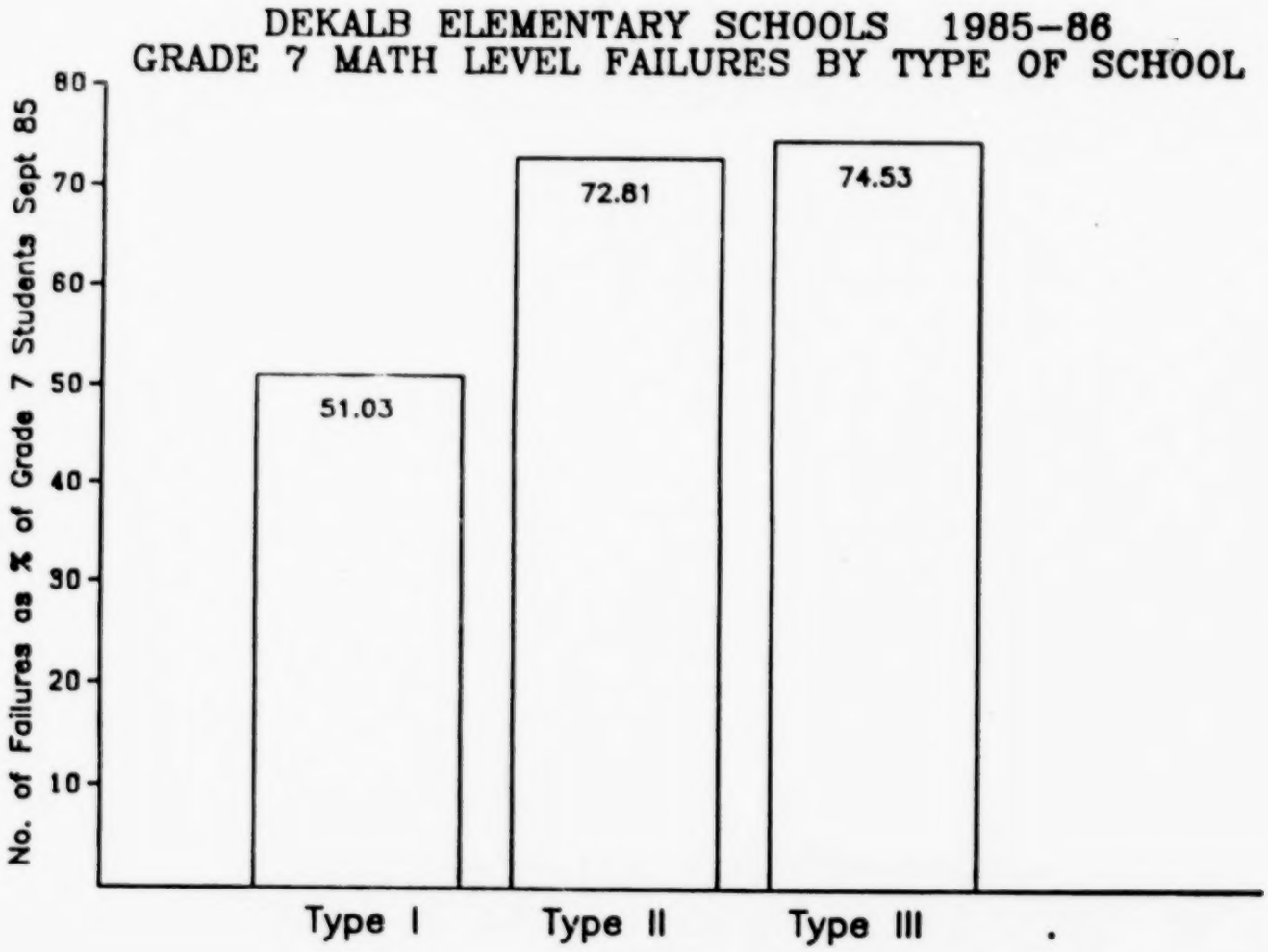

PLAINTIFF'S EXHIBIT 106

527




PLAINTIFF'S EXHIBIT 107a

528

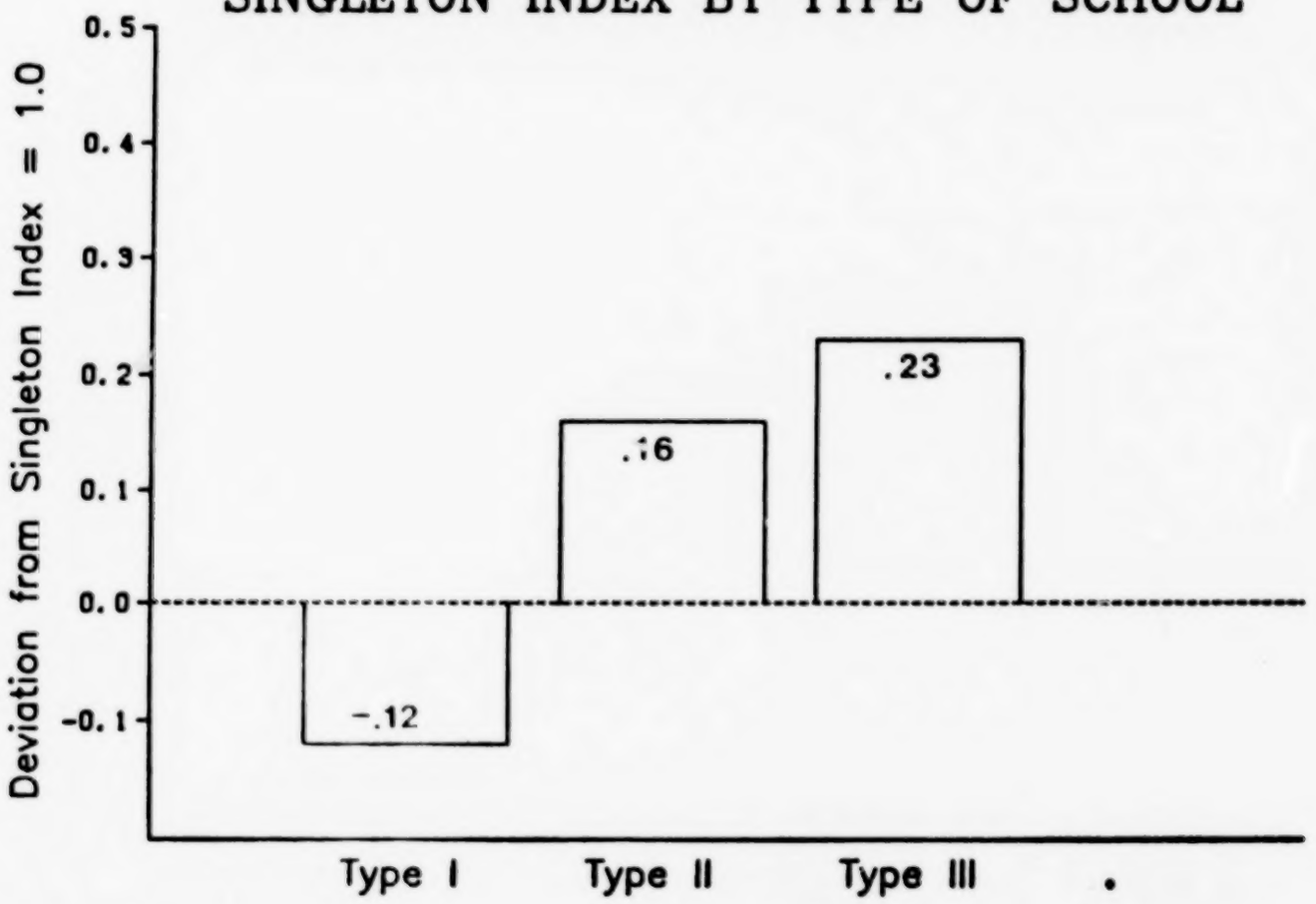



PLAINTIFF'S EXHIBIT 107b

529

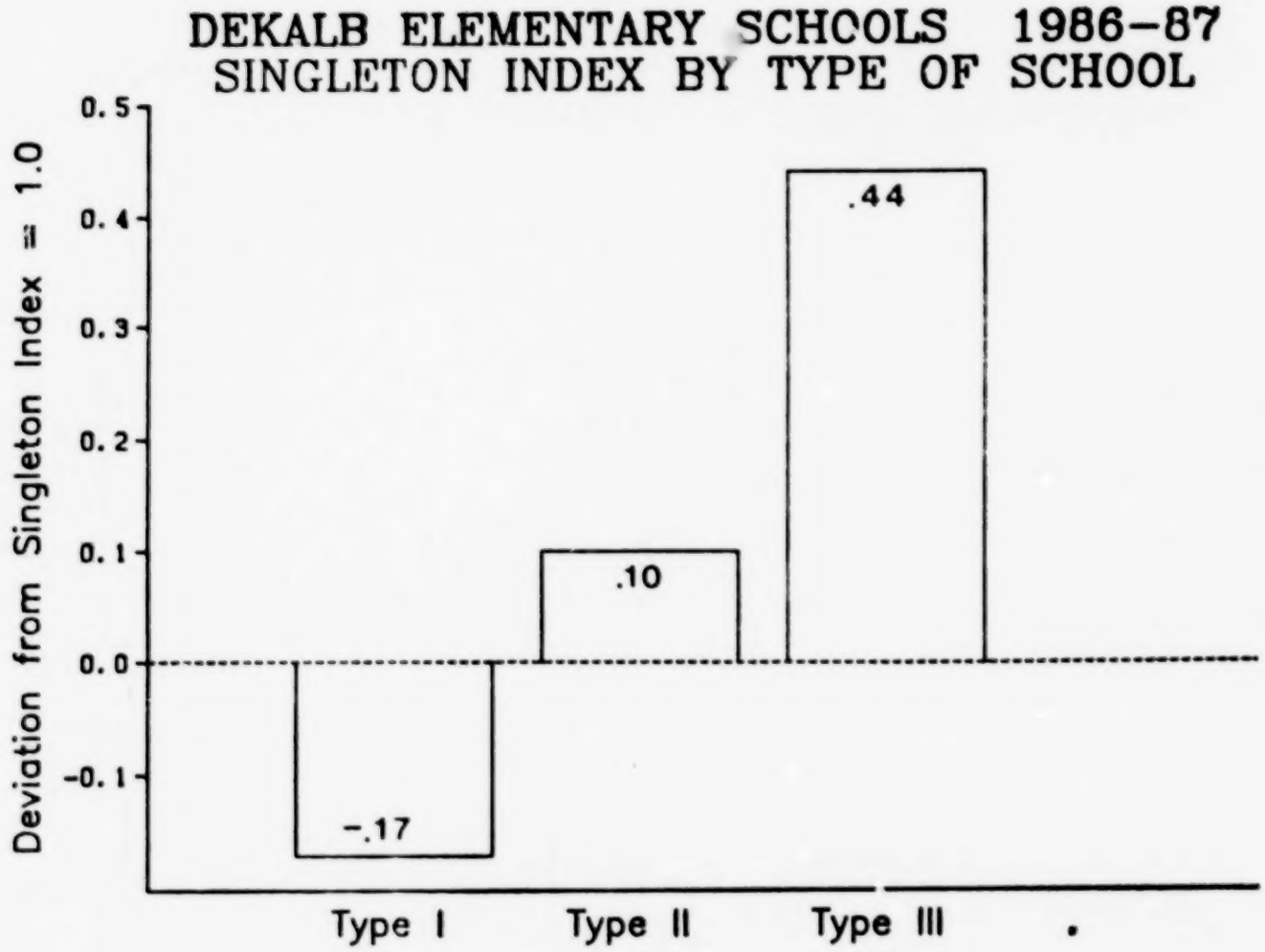
PLAINTIFF'S EXHIBIT 108a

530



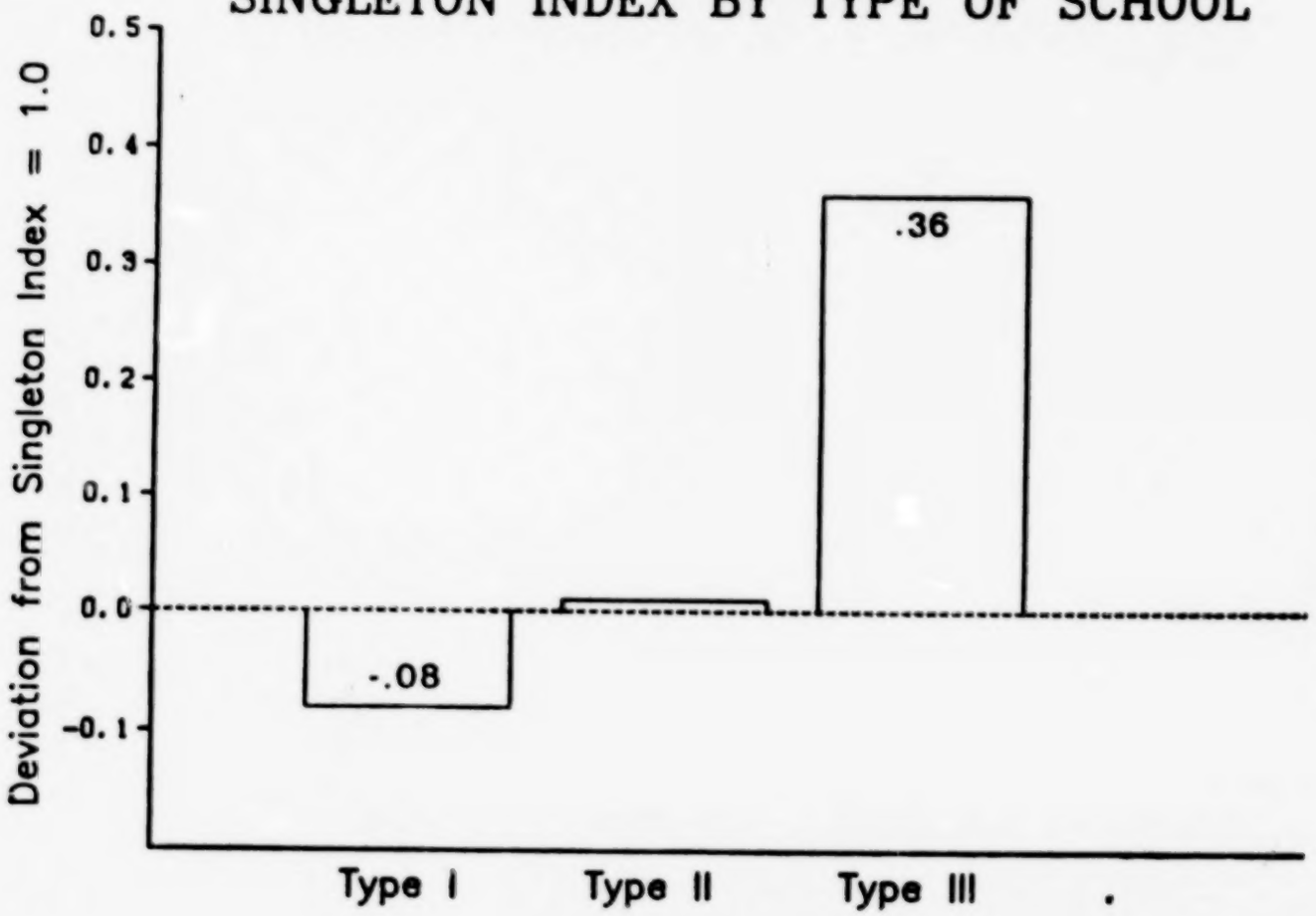

PLAINTIFF'S EXHIBIT 108b

531



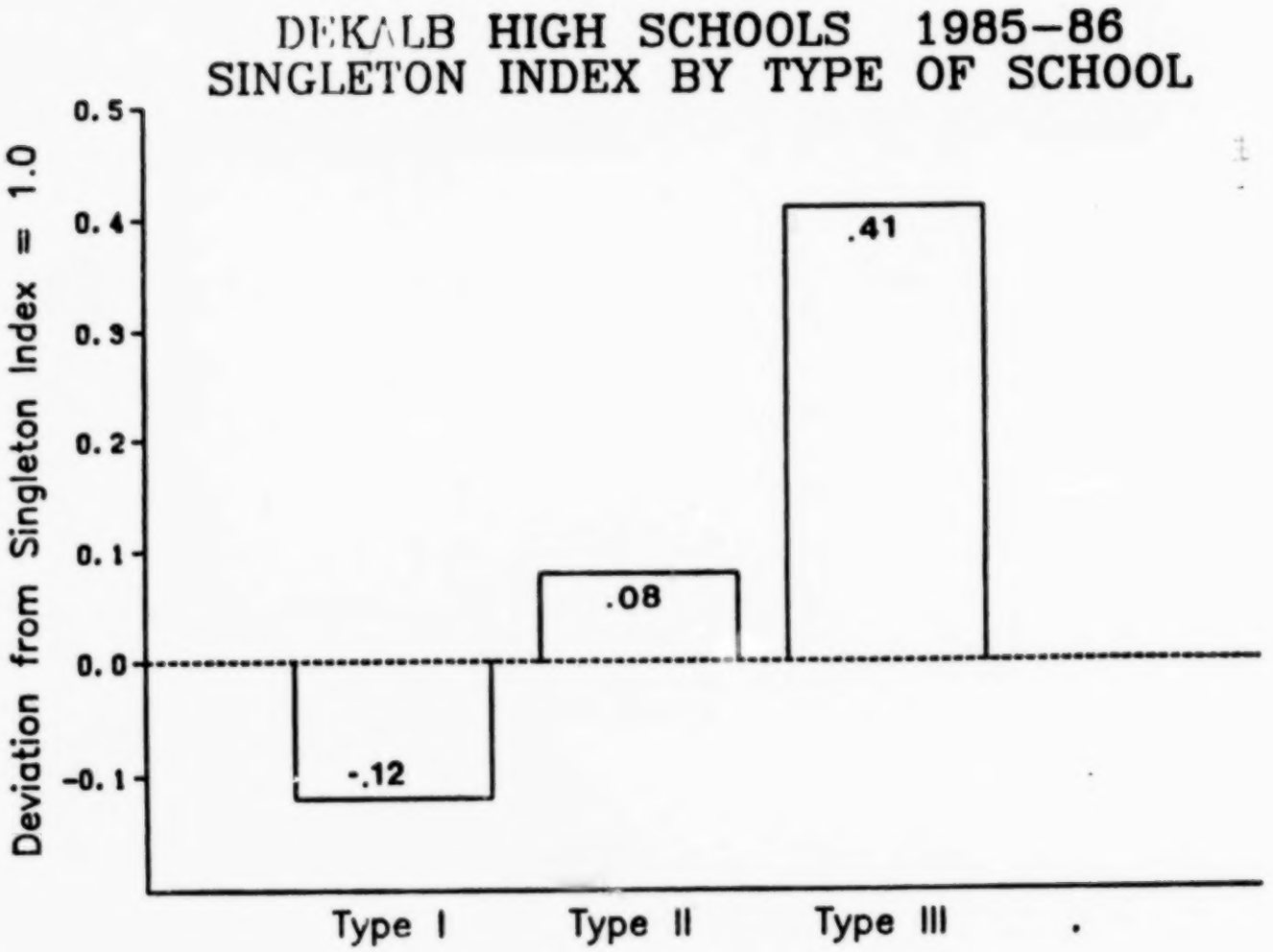

PLAINTIFF'S EXHIBIT 108c

532



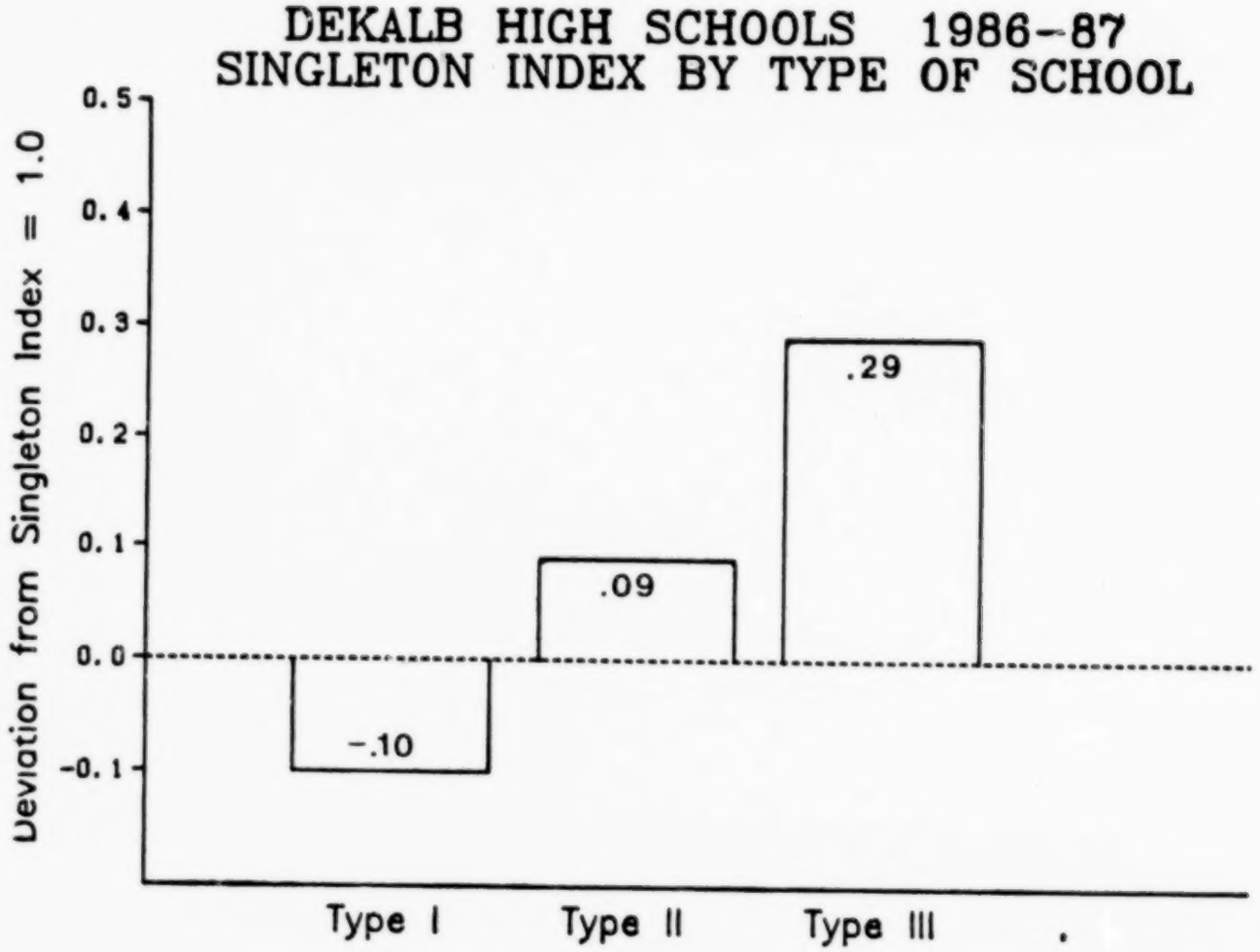

PLAINTIFF'S EXHIBIT 109a

533



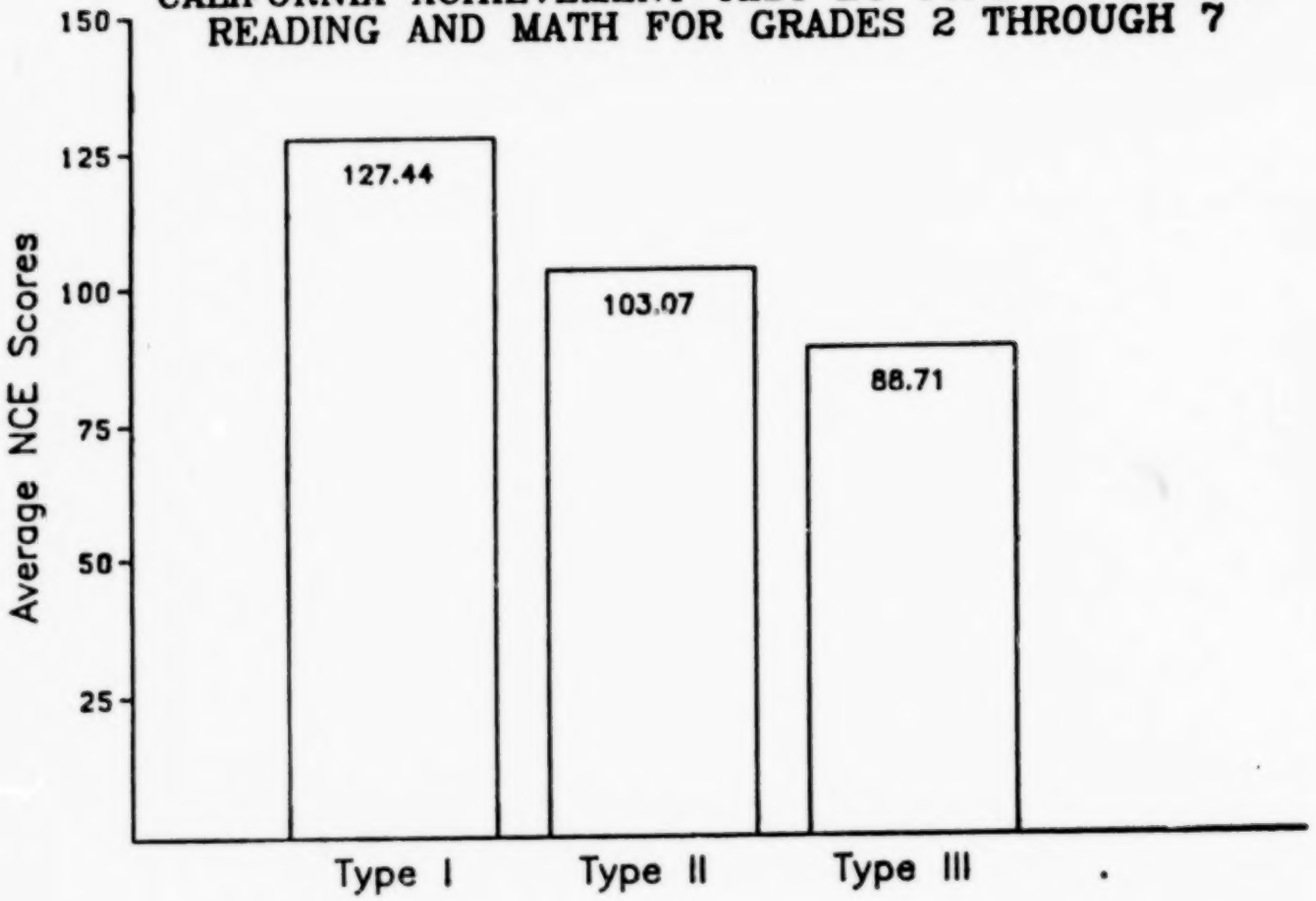

PLAINTIFF'S EXHIBIT 109b

534



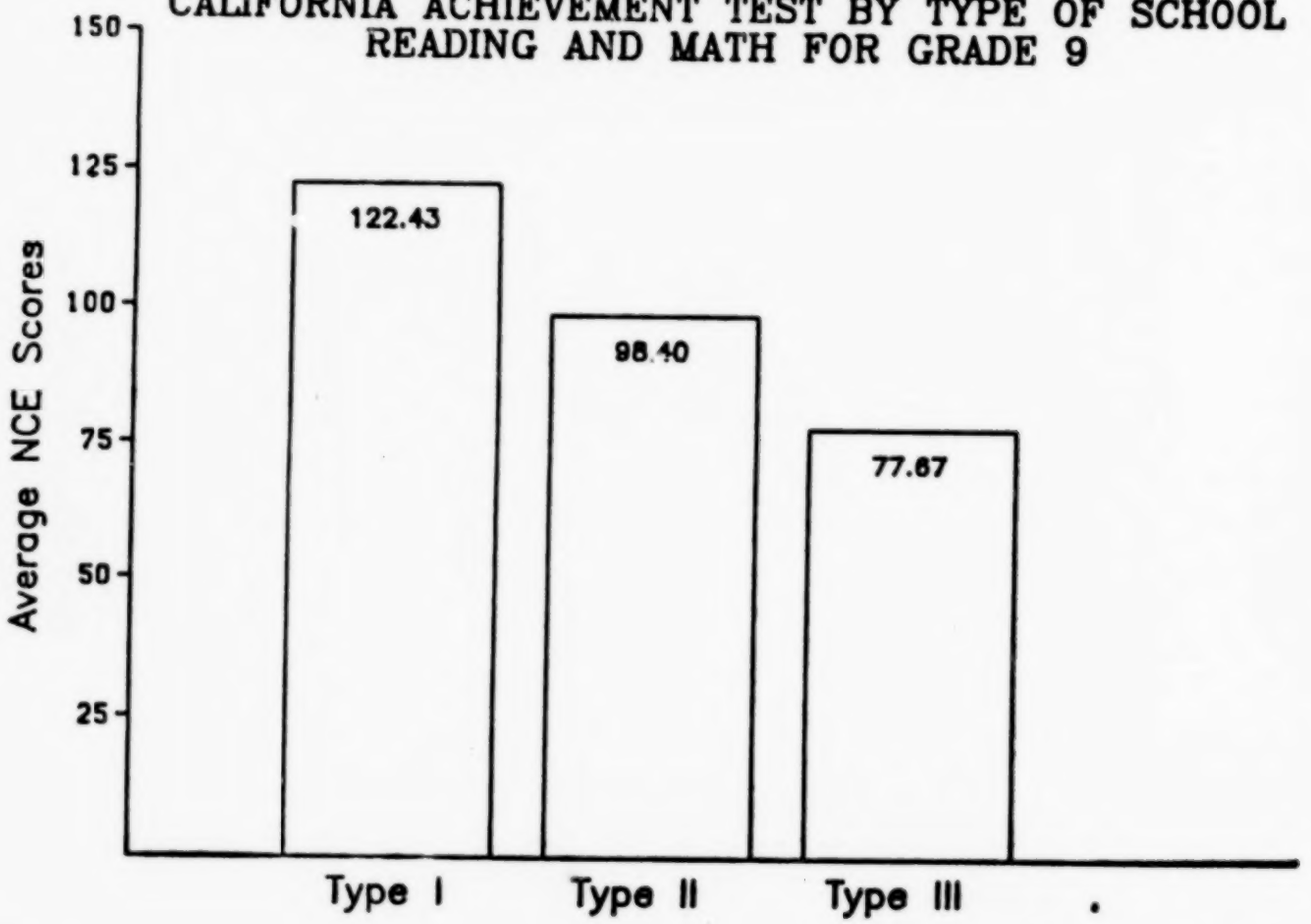

PLAINTIFF'S EXHIBIT 109c

535




PLAINTIFF'S EXHIBIT 110

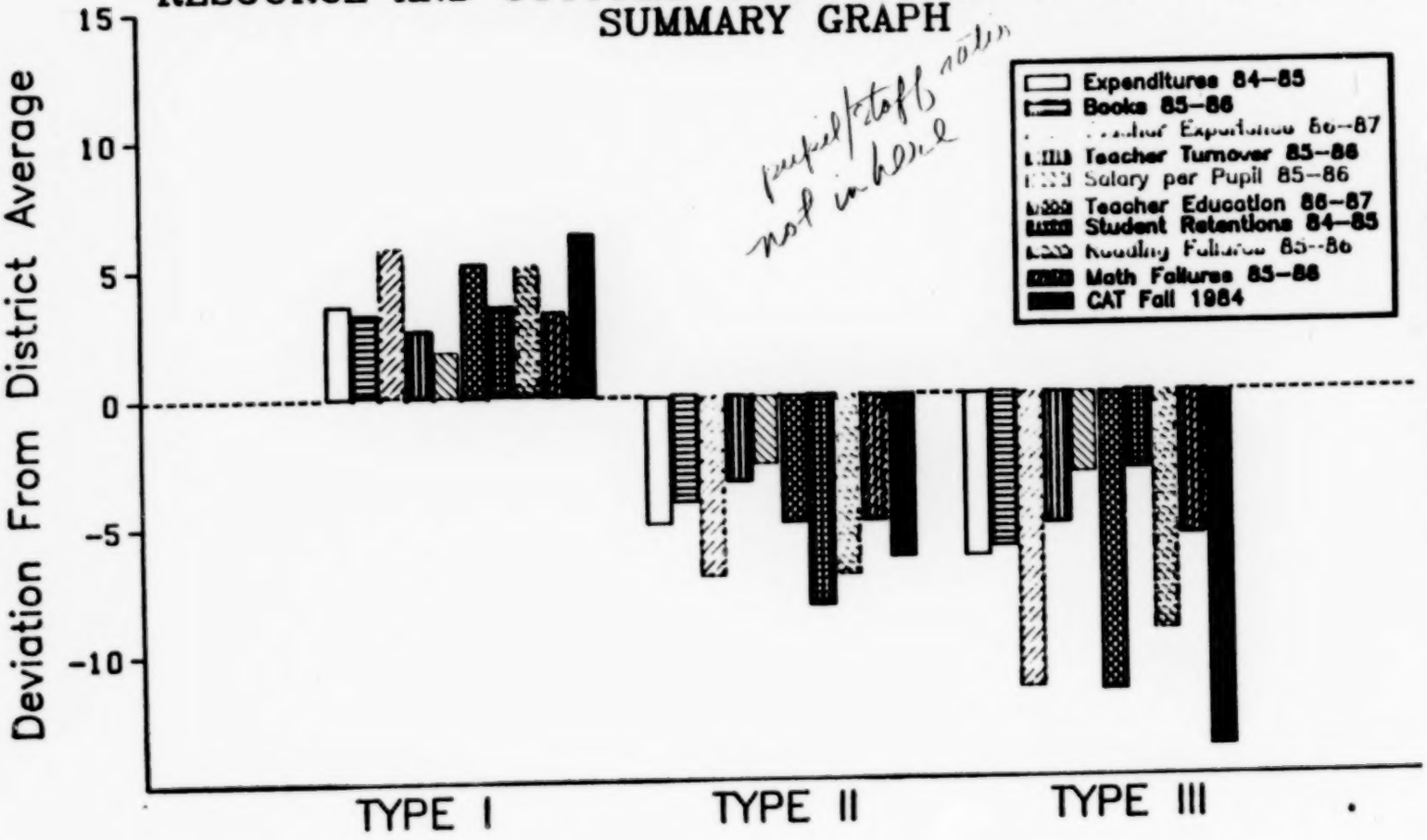
536




PLAINTIFF'S EXHIBIT 111

537

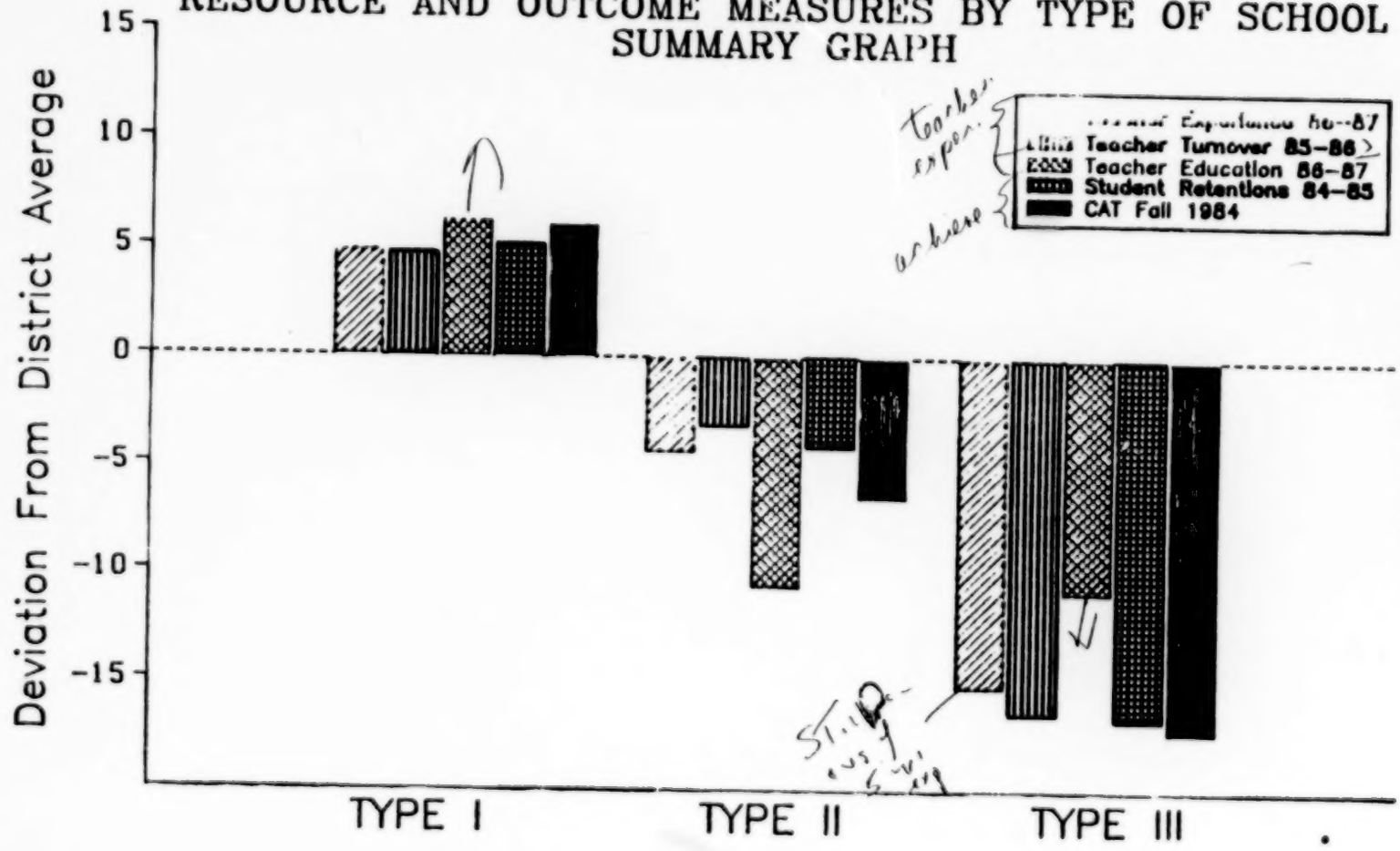
## DEKALB ELEMENTARY SCHOOLS
## RESOURCE AND OUTCOME MEASURES BY TYPE OF SCHOOL
## SUMMARY GRAPH




PLAINTIFF'S EXHIBIT 113

538

## DEKALB HIGH SCHOOLS
## RESOURCE AND OUTCOME MEASURES BY TYPE OF SCHOOL
## SUMMARY GRAPH




PLAINTIFF'S EXHIBIT 114

539

## PLAINTIFF'S EXHIBIT 123A

PERCENTAGE OF BLACK TEACHERS ASSIGNED TO DeKALB COUNTY ELEMENTARY SCHOOLS: 1984-1985, 1985-1986, 1986-1987

| | 1984-1985 | 1985-1986 | 1986-1987 |
|---|---|---|---|
| H. Alexander | 36.00 | 36.67 | 37.50 |
| Allgood | 30.77 | 18.52 | 25.81 |
| Ashford Park | 20.00 | 22.58 | 21.21 |
| Atherton | 30.00 | 32.26 | 36.36 |
| Austin | 21.74 | 20.59 | 13.33 |
| Avondale | 26.67 | 24.14 | 20.59 |
| Briarlake | 14.29 | 13.79 | 23.08 |
| Briar Vista | 31.82 | 27.27 | 19.05 |
| Brockett | 25.00 | 26.09 | 29.17 |
| Canby Lane | 25.00 | 31.03 | 25.00 |
| M. Candler | 24.00 | 21.74 | 22.22 |
| Cedar Grove | 26.47 | 32.35 | 32.43 |
| Chapel Hill | 38.89 | 41.46 | 39.53 |
| Chesnut | 27.27 | 26.09 | 20.00 |
| Clifton | 34.62 | 32.14 | 36.67 |
| Columbia | 26.47 | 25.00 | 37.14 |
| Dresden | 26.67 | 33.33 | 32.35 |
| Dunaire | 25.93 | 24.00 | 27.59 |
| Evansdale | 19.05 | 19.05 | 21.74 |
| Fairington | 28.13 | 27.03 | 23.08 |
| Fernbank | 22.58 | 29.03 | 27.59 |
| Flat Shoals | 32.43 | 27.78 | 31.58 |
| Forrest Hills | 33.33 | 26.09 | 25.93 |
| Glen Haven | 21.21 | 29.03 | 25.00 |
| Gresham Park | 39.29 | 32.36 | 43.75 |
| Hambrick | 21.74 | 23.81 | 22.58 |
| Hawthorne | 27.78 | 27.78 | 21.05 |
| Henderson Mill | 20.83 | 24.00 | 19.23 |
| Hightower | 16.67 | 12.50 | 15.00 |
| Huntley Hills | 21.05 | 25.00 | 21.74 |
| Idlewood | 29.17 | 22.73 | 25.93 |
| Indian Creek | 27.27 | 33.33 | 30.30 |
| Jolly | 20.00 | 20.00 | 17.86 |
| Kelley Lake | 38.46 | 33.33 | 46.67 |



| | 1984-1985 | 1985-1986 | 1986-1987 |
|---|---|---|---|
| Kingsley | 16.67 | 16.67 | 15.38 |
| Knollwood | 31.03 | 32.14 | 35.48 |
| Laurel Ridge | 27.27 | 22.58 | 18.75 |
| Livsey | 31.58 | 27.78 | 25.00 |
| McLendon | 26.67 | 22.58 | 30.30 |
| Mainstreet | 27.78 | 29.73 | 29.55 |
| Bob Mathis | 35.00 | 27.27 | 33.33 |
| Meadowview | 26.09 | 32.00 | 42.31 |
| Medlock | 20.00 | 15.79 | 18.18 |
| Midvale | 23.08 | 22.22 | 24.00 |
| Midway | 26.92 | 30.43 | 24.00 |
| Montclair | 26.32 | 30.00 | 31.82 |
| Montgomery | 17.65 | 18.18 | 18.75 |
| Nancy Creek | 23.08 | 25.00 | 20.00 |
| Oakcliff | 22.58 | 22.58 | 17.14 |
| Oak Grove | 16.67 | 20.00 | 20.00 |
| Peachcrest | 25.00 | 29.63 | 32.14 |
| Pleasantdale | 23.81 | 18.18 | 20.83 |
| Rainbow | 27.03 | 33.33 | 36.59 |
| Redan | 31.91 | 30.77 | 28.57 |
| Cary Reynolds | 22.58 | 25.00 | 21.88 |
| Rockbridge | 21.62 | 24.32 | 27.03 |
| Rock Chapel | 21.74 | 21.74 | 17.86 |
| Rowland | 25.93 | 29.63 | 22.58 |
| Sagamore Hills | 25.00 | 23.81 | 28.57 |
| Sky Haven | 34.09 | 39.13 | 40.43 |
| Smoke Rise | 21.62 | 21.62 | 13.51 |
| Snapfinger | 30.23 | 33.33 | 34.09 |
| Leslie J. Steele | 37.04 | 39.29 | 37.93 |
| Stone Mill | 20.83 | 24.00 | 20.83 |
| Stone Mountain | 25.71 | 29.73 | 33.33 |
| Stoneview | 25.71 | 27.78 | 30.00 |
| Terry Mill | 27.27 | 32.26 | 47.06 |
| Tilson | 30.30 | 29.41 | 34.29 |
| Toney | 25.00 | 25.64 | 38.46 |
| Vanderlyn | 26.09 | 23.33 | 18.18 |
| Wadsworth | 47.83 | 41.67 | 40.00 |
| Woodridge | 23.53 | 25.71 | 23.08 |
| Woodward | 18.52 | 23.33 | 24.24 |

## PLAINTIFF'S EXHIBIT 123B

PERCENTAGE OF BLACK TEACHERS ASSIGNED TO DEKALB COUNTY HIGH SCHOOLS: 1984-1985, 1985-1986, 1986-1987

| | 1984-1985 | 1985-1986 | 1986-1987 |
|---|---|---|---|
| Avondale H.S. | 25.42 | 25.86 | 29.51 |
| Briarcliff H.S. | 18.52 | 24.49 | 19.57 |
| Cedar Grove H.S. | 26.32 | 35.14 | 34.15 |
| Chamblee H.S. | 19.61 | 17.65 | 22.00 |
| Clarkston H.S. | 18.92 | 21.62 | 20.00 |
| Columbia H.S. | 28.57 | 30.77 | 36.00 |
| Cross Keys H.S. | 20.41 | 18.87 | 21.15 |
| Druid Hills H.S. | 23.21 | 21.57 | 21.28 |
| Dunwoody H.S. | 22.78 | 25.32 | 24.66 |
| Gordon H.S. | 39.22 | 39.58 | 33.33 |
| Henderson H.S. | 20.34 | 24.19 | 27.14 |
| Lakeside H.S. | 25.37 | 23.88 | 23.94 |
| Lithonia H.S. | 26.39 | 27.03 | 30.14 |
| Peachtree H.S. | 24.62 | 21.67 | 23.73 |
| Redan H.S. | 18.81 | 19.28 | 15.71 |
| Sequoyah H.S. | 22.22 | 25.00 | 24.56 |
| Shamrock H.S. | 24.24 | 26.47 | 27.54 |
| Southwest DeKalb | 30.30 | 30.30 | 28.57 |
| Stone Mountain | 27.27 | 27.47 | 20.27 |
| Towers H.S. | 24.68 | 26.32 | 29.73 |
| Tucker H.S. | 26.47 | 26.15 | 26.56 |
| Walker H.S. | 33.82 | 41.27 | 31.34 |



## PLAINTIFF'S EXHIBIT 123C

SINGLETON INDEX, BY TYPE OF SCHOOL
DeKALB COUNTY ELEMENTARY AND HIGH SCHOOLS
1986-1987 SCHOOL YEAR

ELEMENTARY SCHOOLS

| | Singleton Index |
|---|---|
| TYPE I SCHOOLS: (Long-Term White) | .83 |
| TYPE II SCHOOLS: (White to Black) | 1.10 |
| TYPE III SCHOOLS: (Long-Term Black) | 1.44 |

HIGH SCHOOLS

| | Singleton Index |
|---|---|
| TYPE I SCHOOLS: (Long-Term White) | .90 |
| TYPE II SCHOOLS: (White to Black) | 1.09 |
| TYPE III SCHOOLS: (Long-Term Black) | 1.29 |

SOURCE: Teacher Tapes, 1986 School Year

## PLAINTIFF'S EXHIBIT 123D

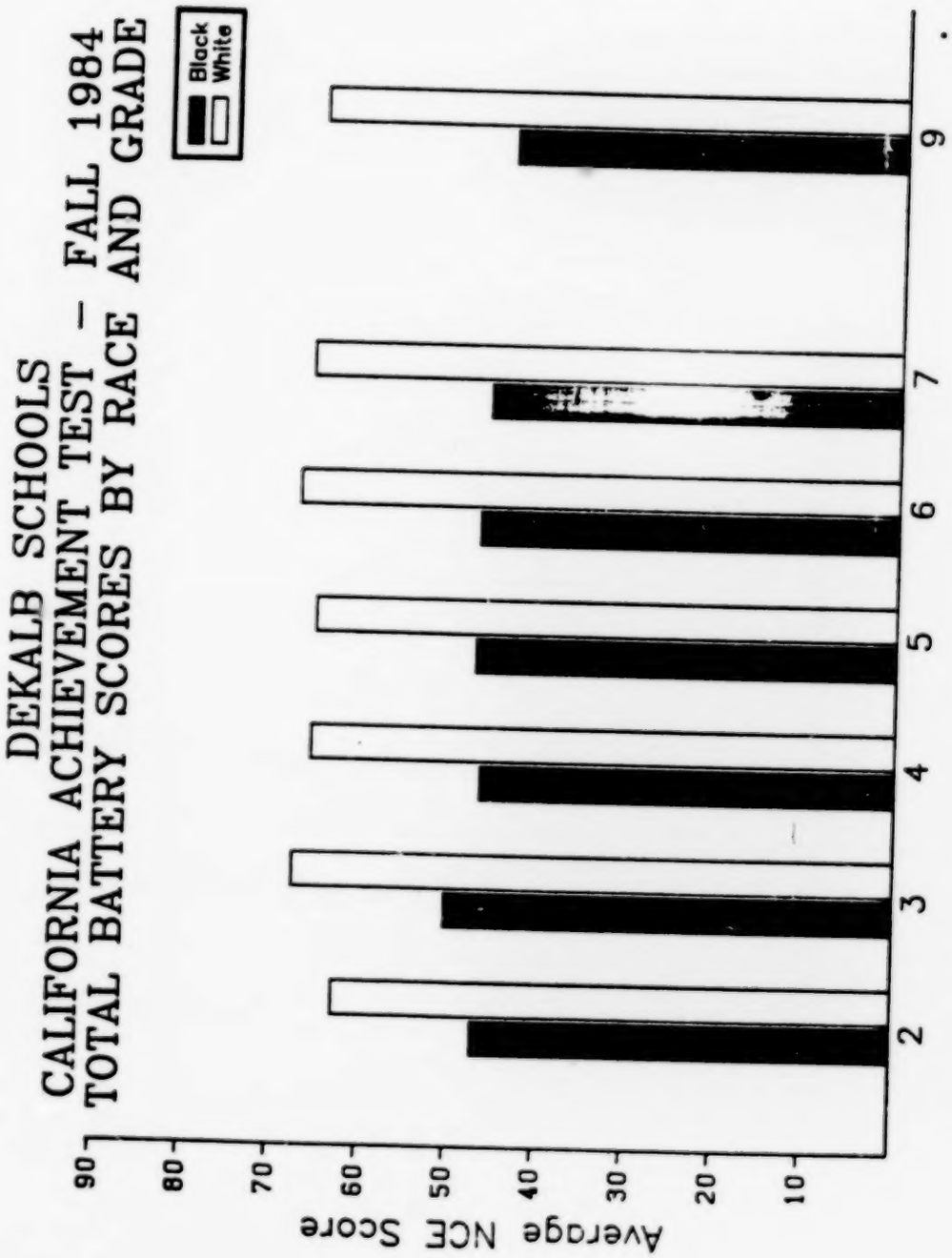
SINGLETON INDEX, BY TYPE OF SCHOOL
DeKALB COUNTY ELEMENTARY AND HIGH SCHOOLS
1984-1985 and 1985-1986 SCHOOL YEARS

| | Singleton Index | |
|---|---|---|
| | 1984-1985 | 1985-1986 |
| **ELEMENTARY SCHOOLS** | | |
| TYPE I SCHOOLS: (Long-Term White) | .90 | .88 |
| TYPE II SCHOOLS: (White to Black) | 1.06 | 1.16 |
| TYPE III SCHOOLS: (Long-Term Black) | 1.26 | 1.23 |
| **HIGH SCHOOLS** | | |
| TYPE I SCHOOLS: (Long-Term White) | .92 | .88 |
| TYPE II SCHOOLS: (White to Black) | 1.01 | 1.08 |
| TYPE III SCHOOLS: (Long-Term Black) | 1.36 | 1.41 |

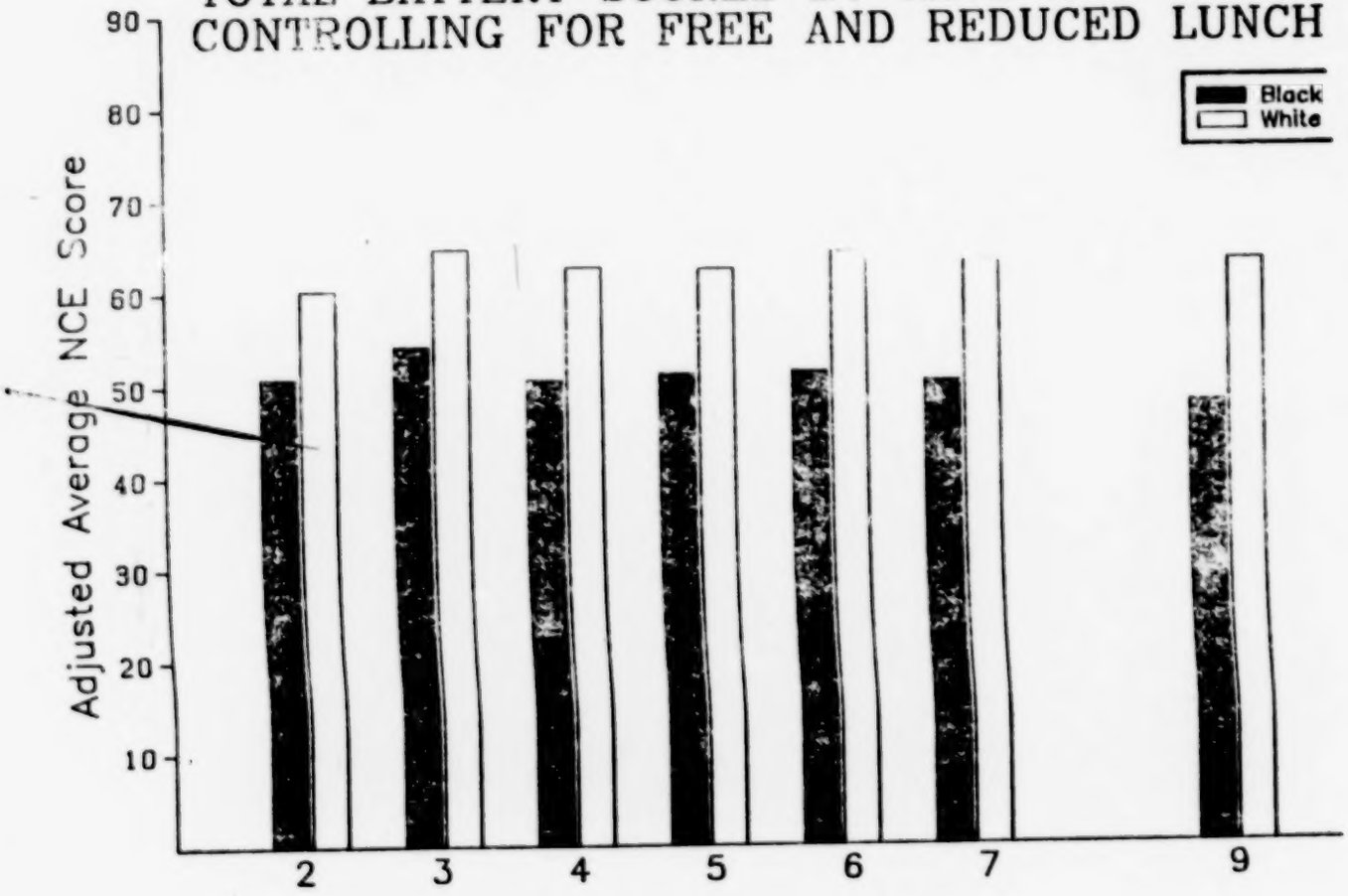
SOURCE: Teacher Tapes, 1984 and 1985 School Years



## PLAINTIFF'S EXHIBIT 124B

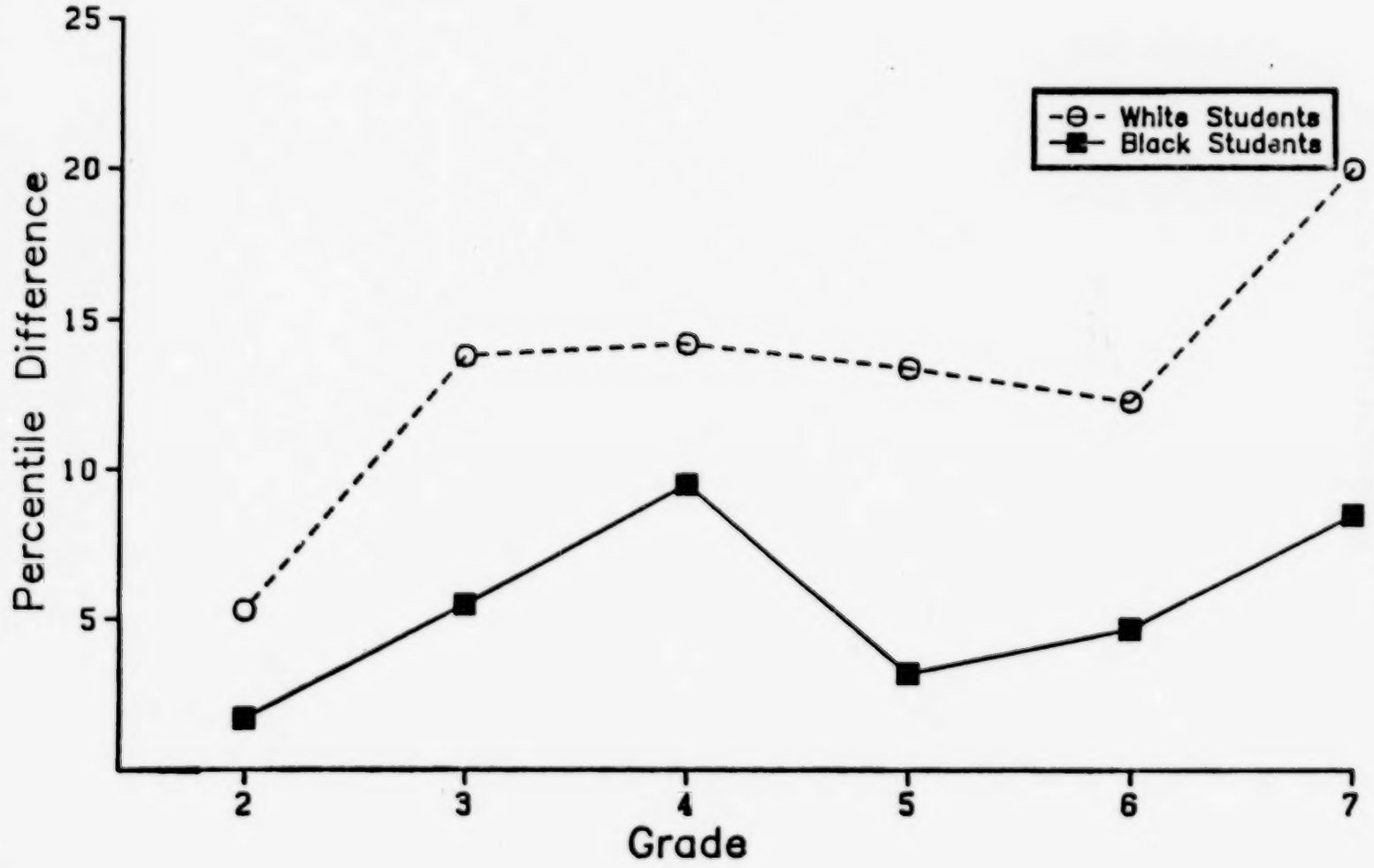


## CALIFORNIA ACHIEVEMENT TEST – FALL 1984
## TOTAL BATTERY SCORES BY RACE AND GRADE
## CONTROLLING FOR FREE AND REDUCED LUNCH




PLAINTIFF'S EXHIBIT 124C

546




PLAINTIFF'S EXHIBIT 125

547

## PLAINTIFF'S EXHIBIT 128

*Faculty*

June 15, 1969 order

> "Teachers, principals, and staff members shall be assigned to schools so that the faculty and staff is not composed exclusively of members of one race. Wherever possible, teachers shall be assigned so that more than one teacher of the minority race (white or Negro) shall be on the desegregated faculty . . . The County Board shall establish as an objective that the pattern of teacher assignment to any particular school not be identifiable as tailored for a heavy concentration of either Negro or white pupils in school."

Schools not complying:

| year | % black teachers in the system | % black teachers in white schools | | % black teachers in black schools | |
|---|---|---|---|---|---|
| 1969 | Elem. 6 | Doraville | 0 | H. Alexander | 22 |
| | | M. Harris | 0 | Terry Mill | 22 |
| | | Pleasantdale | 0 | | |
| | | Warren | 0 | | |
| 1970 | Elem. 7 | Coralwood | 0 | Terry Mill | 32 |
| 1971 | Elem. 7 | Coralwood | 0 | H. Alexander | 29 |
| | | Montclair | 0 | Stoneview | 19 |
| | | | | Terry Mill | 32 |
| | High 5 | | | Gordon High | 16 |
| 1972 | Elem. 8 | | | H. Alexander | 29 |
| | | | | J. Cherry | 22 |
| | | | | Sky Haven | 24 |
| | | | | Stoneview | 20 |
| | | | | Terry Mill | 36 |
| | High 5 | | | Gordon High | 24 |
| 1973 | Elem. 8 | | | H. Alexander | 30 |
| | | | | J. Cherry | 25 |
| | | | | Sky Haven | 24 |
| | | | | Meadowview | 20 |
| | | | | Stoneview | 19 |
| | | | | Terry Mill | 37 |
| | High 6 | | | Gordon High | 26 |



| year | % black teachers in the system | % black teachers in white schools | % black teachers in black schools | |
|---|---|---|---|---|
| 1974 | Elem. 10 | | Gresham Park | 34 |
| | | | H. Alexander | 37 |
| | | | Kelley Lake | 24 |
| | | | L.J. Steele | 54 |
| | | | Terry Mill | 56 |
| | | | Tilson | 53 |
| | | | Toney | 29 |
| | High 8 | | Gordon High | 54 |
| | | | Walker High | 27 |
| 1975 | Elem. 13 | | Gresham Park | 48 |
| | | | H. Alexander | 38 |
| | | | Kelley Lake | 29 |
| | | | L. J. Steele | 47 |
| | | | Sky Haven | 34 |
| | | | Stoneview | 26 |
| | | | Terry Mill | 50 |
| | | | Tilson | 40 |
| | | | Toney | 39 |
| | High 11 | | Columbia High | 24 |
| | | | Gordon High | 48 |
| | | | Walker High | 28 |
| 1976 | Elem. 16 | | Gresham Park | 49 |
| | | | H. Alexander | 36 |
| | | | Kelley Lake | 26 |
| | | | L.J. Steele | 42 |
| | | | Sky Haven | 27 |
| | | | Terry Mill | 47 |
| | | | Tilson | 47 |
| | | | Toney | 33 |
| | High 14 | | Gordon High | 46 |
| | | | Walker High | 26 |

*Faculty*

November 3, 1976 order

> "The ratio of black to white teachers in each school must be substantially similar to the system-wide racial ratio. Defendants are required to reassign teachers with all deliberate speed so that the racial distribution of faculty at *all* schools approximates the distribution of faculty in the entire school system."

Schools not complying:

| year | % black teachers in the system | % black teachers in white schools | % black teachers in black schools | |
|---|---|---|---|---|
| 1977 | Elem. 17 | | Gresham Park | 31 |
| | | | H. Alexander | 29 |
| | | | I.J. Steele | 30 |
| | | | Meadowview | 28 |
| | | | Terry Mill | 28 |
| | | | Tilson | 29 |
| | | | Toney | 28 |
| | High 16 | | Gordon High | 36 |
| 1978 | High 19 | | Gordon High | 39 |
| 1979 | Elem. 20 | | Gresham Park | 35 |
| | | | Toney | 30 |
| | High 19 | | Gordon High | 33 |
| 1980 Census Atlanta S.M.S.A. labor market of elem. & sec. teachers 26% black | | | | |
| 1980 | Elem. 20 | | Toney | 31 |
| | High 20 | | Gordon High | 30 |
| 1981 | Elem. 24 | | Meadowview | 37 |
| | | | Peachcrest | 37 |
| | High 23 | | Gordon High | 34 |
| 1982 | Elem. 25 | | Meadowview | 38 |
| | High 24 | | Gordon High | 37 |



| year | % black teachers in the system | % black teachers in white schools | % black teachers in black schools | |
|---|---|---|---|---|
| 1983 | Elem. 27 | | Meadowview | 38 |
| | High 25 | | Gordon High | 39 |
| | | | Walker High | 36 |
| 1984 | Elem. 27 | | Gresham Park | 39 |
| | High 26 | | Gordon High | 39 |
| 1985 | Elem. 27 | Hightower 14 | Canby Lane | 39 |
| | | | Gresham Park | 39 |
| | High 26 | | Gordon High | 39 |
| | | | Walker High | 38 |
| 1986 | Elem. 28 | Austin 16 | Gresham Park | 43 |
| | | Hightower 14 | Terry Mill | 41 |
| | | Kingsley 17 | | |
| | | Laurel Ridge 16 | | |

## TESTIMONY OF DR. DAVID ARMOR

* * * *

[3] (In Atlanta, Fulton County, Georgia; Monday, July 13, 1987, 9:45 a.m., in open court.)

THE COURT: All right, I'm sorry for the delay. Are you ready to resume?

MR. WEATHERLY: Yes, Your Honor.

THE COURT: All right. Call your next witness.

MR. WEATHERLY: Dr. David Armor.

MR. SAMS: Before Doctor Armor comes to the stand, we have one exhibit, Exhibit 35, which is a massive—the Federal Compliance Reports. There is an Exhibit 41 which is a summary of those reports, and with the Court's permission I would like to submit another configuration of Exhibit 41. This shows the schools, the student population by year and the faculty population. I have talked to Ms. Wilde. She has no objection. It will be an aid to the Court. This is the same statistics, 35 and 41, but in a different format. I don't see why it would need to be a different exhibit.

THE COURT: All right.

THE CLERK: Doctor Armor, come around, please. Go right around there. Raise your right hand.

You do solemnly swear the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Be seated and state your full name for [4] the record.

THE WITNESS: David James Armor.

THE CLERK: Spell your last name, please.

THE WITNESS: A-r-m-o-r.

---

## DR. DAVID JAMES ARMOR

called as a witness by the defendant, after having first been duly sworn, testified as follows:



## DIRECT EXAMINATION

BY MR. WEATHERLY:

Q. Doctor Armor, what is your current occupation?

A. I'm a Principal Deputy Assistant Secretary of Defense for Force Management and Personnel in the Department of Defense.

Q. Generally what responsibilities are within the purview of your job?

A. My department has the overall responsibility for oversight and guidance for all three military departments, all the military services, civilian and reserves, for manpower and personnel issues; includes compensation, recruiting, training, family issues, virtually every issue or policy that concerns itself with the people's side of the Defense Department.

My job, I am the number two person in that department. I work directly for the Assistant Secretary, and I stand in for him as Acting Assistant Secretary in his absence.

[5] Q. And how long have you held this position, Doctor Armor?

A. Since early May of last year.

Q. Doctor Armor, does the Department impose any constraints on you in terms of leaving Washington for business not related to the Federal Government?

A. Generally speaking, it is difficult to get away, given my responsibilities. Those responsibilities are about to change fairly drastically. The Assistant Secretary has resigned, and his last day will be this coming Friday, and I will be in a Acting Assistant Secretary for some period of time, because there is no—on the horizon there's no replacement for him, and the Assistant Secretary and the principal deputy are the only two that have signatory authority for the policies in our office, and, as an Acting Assistant Secretary, with no relief or replacement for the Assistant Secretary, it will be virtually impossible for me to leave that office until the replacement

is taken care of, and that is going to be some months at the very least.

Q. Doctor Armor, if you would, briefly, can you briefly relate to the court your post-secondary educational background?

A. I received my Bachelor's Degree in Sociology and Mathematics at the Union of California Berkeley in 1961. I received my Ph.D. in Sociology at Harvard University in 1966.

Q. And can you briefly relate your employment history since [6] receiving your Ph.D. from Harvard?

A. Yes.

I joined the faculty at Harvard in 1965 as Assistant Professor of Sociology. I taught there as an Assistant Professor and later as Associate Professor, until about 1972. I went on sabbatical that year and became a visiting Professor of Sociology at U.C.L.A. in Los Angeles.

Then in 1973 I went to the Rand Corporation in Santa Monica, California, where I became a Senior Social Scientist.

From there in 1982 I resigned to form my own company called National Policy Analysts.

In 1985 I ran for and was elected to the Los Angeles Board of Education and served there for approximately one year until I assumed my current position.

Q. Have any of the positions held by you involved research in the area of school desegregation?

A. Yes, they have.

Q. Can you briefly explain to the Court what that research has been, what generally the areas are?

A. Well, my research in desegregation actually began at Harvard, although it wasn't a specific responsibility of the job. I became involved in what has come to be known as the Coleman Study, and from there I did some of my own research on desegregation.

When I joined the Rand Corporation one of my primary [7] responsibilities was to do research in the field of education. And, in fact, I did so and specifically did



some research for the Rand Corporation in the field of desegregation and race relations and related kinds of issues.

My own company that I formed in 19—formed it actually in 1980, I believe, with a professor at U.C.L.A. One of my primary activities was conducting research for school districts on the desegregation topic.

Q. Now, you have indicated that you taught at Harvard. What was the subject matter of courses you taught at Harvard, Doctor Armor?

A. I taught a number of different things, but the primary emphasis of my teaching during that period was research, we call research methods, for Ph.D candidates in sociology, psychology and anthropology, courses in the statistical analysis of social science data, the courses in survey methodology, and how to design and conduct surveys, computer applications, data analysis using computer techniques and sophisticated computer software. And I also taught Introductory Sociology at Harvard.

Q. Now, as part of this course instruction did you have classes for the design and implementation of public opinion surveys?

A. Yes, I did.

The course on survey methods was both a theory and [8] practice course, and the students that took the course, as part of the teaching experience we conducted a survey, designed, collected the data, and analyzed it during the course of the seminar.

Q. And what surveys did you design at that time?

A. At that time a number of different kinds of topics. The most common survey were voting studies, looking at the voting behavior and patterns in various parts of Boston during voting—during election periods.

I also designed, helped design some studies on housing rehabilitation, housing mobility, and while I was at Harvard, not part of the course, I also became involved in helping to design some of the survey instruments for the Coleman Study of Equality of Educational Opportunity.

Q. Have you conducted any surveys of public opinion surveys since those at the time you were teaching at Harvard?

A. Yes, I have.

Q. Approximately how many?

A. Well, probably at least a dozen that I was directly responsible for and probably quite a few more that I had a hand in in terms of the consulting on design.

Q. And what general areas were these surveys conducted, Doctor Armor?

A. Probably the bulk of them are in the areas of housing issues, that is, housing segregation and the causes thereof [9] and the role of personal preference. I did studies on that topic for Omaha, for Kansas City, the Kansas City Metropolitan Area. Helped design one for the Milwaukee area, and also for Little Rock, Arkansas, that got at the general issue of housing segregation and its causes.

The second area of I guess I would call it desegregation planning, where the basic issue concerns the effectiveness of alternative approaches to desegregation, and I have done major surveys there in Los Angeles; in San Diego; in Chicago; in Norfolk, Virginia; Little Rock, Arkansas; which was both a housing survey and a desegregation planning survey; and Savannah, Georgia. That's most of them, I think, in that list.

Q. All right, sir.

Turning to another area, Doctor Armor, with regard to your research in school desegregation, have you had the opportunity to serve at a consultant?

A. Yes, I have.

Q. And could you explain, please, to the Court what that experience has been or what those experiences have been?

A. Well, in terms of formal consulting appointments or positions, the first one was as a consultant to the U.S. Office of Education during the design and execution of



the Coleman Studies of the Equality of Educational Opportunity.

The next position was shortly after that I worked as [10] a consultant for the Civil Rights Commission, U.S. Commission on Civil Rights, doing re-analysis of the Coleman data on similar kinds of issues.

Then I have consulted—this is just in the area of desegregation we are talking about?

Q. Yes.

A. I have consulted for numerous school boards and school districts and other organizations around the country on desegregation-related issues.

Q. Have you authored any books or articles in the area of school desegregation?

A. Yes. I have published a number of articles in that area.

Q. And are they listed on your vitae, Doctor Armor?

A. Yes, they are all listed except for, I believe, I believe the resume you have omits one article that is currently in press.

Q. What is that, Doctor Armor?

A. That's being published in a book edited by Phyllis Katz called "School Desegregation and Profiles in Controversy," and my chapter is entitled "School Bussing, a Time for Change."

Q. And I think you have indicated, Doctor Armor, that you have conducted a number of studies in the area of school desegregation.

Initially, what are the areas in which your focus has been?

[11] A. Well, probably breaks down into three or four different areas. In my early research, as well as a couple of some of my most recent efforts, has been in the area of what we call social and educational effects of desegregation and segregation.

A second—I guess I have lost track. Are we talking about my areas from certificate research in general or—

Q. Research in the area of desegregation, school desegregation?

A. The second area that I got into would probably be considered part of the desegregation plan area where I was focussing, in particular, on the effectiveness of mandatory versus voluntary desegregation plans and the issue of white flight. There are a number of studies in that area.

I have also done a number of studies in, I guess I would call it, in the housing area, housing segregation, desegregation, and causes thereof.

Throughout most of these studies I have gotten into the area of demographic analyses and trends and the impact of demographic factors, the impact of desegregation on demographics and the reverse impact of demographics on desegregation. So I guess I would call that general studies of demographic techniques as they relate to segregation.

Q. Have you done studies in the area of achievement, Doctor Armor?

[12] A. Yes, I have. In the social educational category would come several studies I have done that look specifically at the relationship between desegregation and academic achievement.

Q. Well, let's start with the area of the educational social effects of desegregation plans. What studies have you done in that area, Doctor Armor?

A. The first major study was basically a contribution to the Coleman Report looking at the impact of the distribution of counseling, school counseling resources.

Q. Doctor Armor, let me interrupt you for a moment.

We have had some testimony about the Coleman Reports, but why is the Coleman Report significant?

A. Well, first of all, I ought to say that there are several Coleman Reports, so, so as to not to be—just to be clear about it, there is the first so-called Coleman Report that looked at the question of the distribution of educational resources by racial composition of schools



throughout the country. It was the first study that I know of that was a comprehensive national survey of that question, essentially, the question of the equality of school resources throughout all parts of the nation.

Also, it was one of the first national studies to address the question of whether, to the extent that one finds disparities in resources, the impact of those potential disparities on academic performance, achievement in [13] particular. It is important, because I think it set—well, it has been used by numerous social scientists ever since to address various questions that are involved in the whole area of equality opportunity generally and specifically in desegregation issues. It was extremely controversial when it was published, and I think set the tone and set the agenda of research for a number of years following.

Q. I believe I interrupted you when you were talking about one of your first studies in the area of the effects of school desegregation.

A. Yes.

This was a resource issue at that time. It was the distribution of counseling resources according to the racial composition of schools throughout the country, and I helped design those—that part of the survey instruments and had the responsibility for analyzing that data and writing that section of the Coleman Report.

I then did—those of us that had the privilege of working on that study, many of us did further analysis of that data after the first report was published because it was so controversial.

My second major study was a major re-analysis of all the Coleman data that was carried out by a seminar at Harvard. The seminar was co-chaired by Patrick Moynihan, now Senator from New York, and Fredric Mosteller, Professor of Statics [14] at Harvard, and a number of faculty members at Harvard and a few other locations came together and met periodically and re-analyzed major pieces of that data, and that was published in a book

edited by Mosteller and Moynihan called "On the Equality of Education Opportunity." My chapter or my re-analysis focused specifically on the impact of family background factors versus school resource factors on the academic achievement of black and white children.

The next study was also a re-analysis of the Coleman data, and that was commissioned by the U.S. Commission on Civil Rights as part of their overall study called "Racial Isolation in the Public Schools." This report was published in 1967, another very important document that had a great deal of impact. My specific responsibility in that report was to analyze the impact of desegregation or racial composition of schools on the attitudes and aspirations of black and white children.

Two more studies. I then did my own study of a voluntary bussing program in Boston called the METCO Program, and that was a study basically of the impact of that desegregation program on both academic achievement and racial attitudes and racial contacts, race relations in general, I might say, and published that study along with the review of some other similar studies that were just coming out at that time in the early seventies in a journal called "The Public [15] Interest."

I didn't do a great deal. I did some case studies for Pasadena on academic achievements and its effects from desegregation, but then I didn't really do much on that topic until a study panel was put together by the National Institute for Education in 1982, I believe it was, brought together seven experts on this topic from around the country to essentially look at a series of studies. Our goal or our objective was to take the methodologically best studies on the question of academic achievement of black students and desegregation of schools, and that was accomplished by N.I.E., the completion of that.

A number of my consulting for school boards, such as Yonkers and Norfolk, also investigated academic achievement and the course of achievement as a result of desegregation plans in those such school districts districts.



Q. Doctor Armor, in the area of alternative desegregation plans and their effects on demographics and desegregation levels, have you done studies in this area?

A. Yes, I have.

Q. And what have those studies been, Doctor Armor?

A. Basically, again, I have done some studies that were published on looking at initially the issue of white flight, and the question here was whether there were differences in desegregation plans, particularly between mandatory and [16] voluntary, that might have long-term adverse effects in terms of increasing or returning to resegregation as a result of the loss of white students and families.

I did my first 55 cities study as a consultant for the San Diego Board of Education. Then I turned that into a somewhat broader study published by the Rand Corporation and delivered it at one of my professional association meetings, the American Sociological Association on the Impact of Desegregation on White Flight.

Continued doing research and a lot of case studies, particularly case studies in Seattle, a very, very thorough case study of white flight in Los Angeles, Chicago, Norfolk, Cincinnati. Some of those studies were published in an article by—to pull these things together published in a journal called "Policy Review." And I have also published some of that in my latest article that's in press.

Q. And I believe you indicated that residential housing choices was also an area of interest for you. What studies have you done in that area, Doctor Armor?

A. My work in that area have been a series of case studies in various cities, including Atlanta, Omaha, Little Rock, are the major studies where I have analyzed data, fairly detailed data, and some of those results are published in my latest article that is in press.

Q. Did these studies consider the causes of residential [17] segregation?

A. Yes, they do.

Q. Could you just briefly explain how they considered the causes of residential segregation, Doctor Armor?

A. These were all court cases where the issue facing the school board was explaining the extent of school segregation, how it arose, and the role that housing or that various factors such as economics and preference played in causing versus the causes being due to school board actions or official state actions of other kinds.

Q. All right, sir.

Now, on the issue of faculty and staff as a part of desegregation plans, have you had—have you done any research or had any experiences in this area, Doctor Armor?

A. Yes. I have done some studies of faculty racial balance in connection with cases of school boards for Omaha, Nebraska, and Savannah, Georgia.

Q. Have you been involved in desegregation litigation other than in Pitts versus Freeman, Doctor Armor?

A. Yes, I have.

Q. Approximately how many cases?

A. Somewhere between 25 and 30 different cases.

Q. Are you currently involved in any other cases?

A. The only other case currently is a case in Charleston, South Carolina.

[18] Q. All right, sir.

I believe you indicated earlier in your testimony that you were a member of the Los Angeles Board of Education. In that capacity did you have the opportunity to consider issues dealing with school desegregation?

A. Yes, I did.

Q. What were those opportunities and experiences?

A. Well, Los Angeles—of course, I worked for the Los Angeles Board of Education before I was a member, as I mentioned, conducting several different studies, one of teacher—I'm sorry—one a survey of possibility of white flight, and then I did a fuller study of white flight after a mandatory plan had been implemented. So I was familiar with, generally, with the issues surrounding desegregation in Los Angeles.



While I was on the board we were at that point in time responsible for maintaining a voluntary desegregation plan as a result of a court order. It was a very extensive, perhaps one of the largest voluntary plans in the country. It had a number of different facets and aspects both in terms of compensatory programs, student transfers, and various programs to deal with the issue of teacher racial composition in schools throughout the district.

Q. Doctor Armor, if you would, please, identify Defendant's 39.

[19] A. Yes.

Q. What is that, Doctor Armor?

A. It's a resume—well, the first page is a resume summary that includes a couple of my recent positions, and then the rest of it is a more detailed resume from about '83—I'm sorry, from about '85 on back, and it includes my publications.

Q. Have you updated this resume, Doctor Armor?

A. The first page resume summary has an update as to my positions. It doesn't have the article mentioned that I mentioned that was in press.

MR. WEATHERLY: Your Honor, I would like to qualify Doctor Armor as an expert in the areas of, first, the educational and social effects of desegregation plans, including academic achievement; secondly, the effects of desegregation plans on demographics on school enrollment trends; thirdly, the evaluation of alternative desegregation plans; fourth, the causes of residential segregation; fifth, assignment of faculty and staff in school desegregation plans; sixth, research methods and survey methods; and, lastly, statistical analysis of data.

THE COURT: Do you desire to voir dire?

MS. WILDE: No, I do not, Your Honor.

THE COURT: All right, you may proceed.

BY MR. WEATHERLY:

[20] Q. Doctor Armor, have you had any previous involvement with the DeKalb County School System?

A. Yes, I have.

Q. Have you had the opportunity to visit DeKalb County for purposes other than your appearance as a witness today?

A. Yes, I have.

Q. Do you have an approximation as to how many days over the last ten years you have spent in the DeKalb County School System observing programs, looking at schools, analyzing programs?

A. Probably something on the order of 30 to 40 days over the past ten years.

Q. What was your first involvement with the DeKalb County School System?

A. My first involvement was as an expert in the Armour versus Nix case where I focused on the causes of the role of personal preference plays in the cause of housing segregation.

Q. And did you do an analysis of that issue?

A. I did an analysis, assembled some survey data dealing with preferences, and assembled it and did some simulations on the role that that plays in explaining what we see, what we saw at that time in terms of the level of segregation in housing. Some part of that analysis involved looking at a major racial transition that had been taking place in southwest DeKalb County. And then, of course, I prepared [21] those analyses and testified in court.

Q. Did you observe schools and neighborhoods in DeKalb County at that time?

A. Yes. I did extensive observations of schools throughout the area, including schools and residential areas in DeKalb County.



Q. And were you involved in 1983 in a hearing before this Court with regard to construction in the Redan High School area?

A. Yes, I was.

Q. Did you do an analysis of school enrollment trends at that time, Doctor Armor?

A. Yes, I did.

Basically, the task there was—the issue was an overcrowding situation at Redan High School and the way in which one would promote or further desegregation by a number of alternative plans, and my task was to evaluate the district's plan of building a second school called Redan II at that time, now Miller Grove, and compare the effectiveness of that approach with two other plans that were being proposed by Plaintiffs at that time. I did some extensive analysis and projections and basically concluded that the Redan II was the most desegregative approach of the three that I evaluated.

MR. WEATHERLY: Excuse me, Your Honor.

BY MR. WEATHERLY:

[22] Q. Doctor Armor, if you would, identify Defendant's 179 and 180.

A. 179 is a comparison of the—

THE COURT: Let me interrupt you and ask you, now, Mr. Weatherly, I though we aren't going—I thought it was your position that we weren't going to relitigate matters that the court had already litigated.

MR. WEATHERLY: Your Honor, we were not attempting to relitigate. I am simply having the witness identify so we can put this in the record. There will be no further questions on these documents.

THE COURT: All right.

A. The 179 is the comparison of desegregation obtained by a plan designed by Doctor Stolley with the plan being proposed—the Redan II plan proposed by the district. The second exhibit, 180, is a comparison also of the Redan II plan with a plan called, I believe, The Rainbow

Plan. Both of these exhibits deal with the levels of desegregation obtained by these various plans.

Q. Doctor Armor, in terms of your appearance as a witness in this case, what materials, studies, or data have you reviewed?

A. I have reviewed or analyzed enrollment data, including, for a number of years, including M-to-M enrollment data, magnet and magnet type school enrollment data, enrollment projection data, a survey that I designed and supervised and [23] analyzed for the county, some census data, data on faculty racial composition over a period of years, some variety of different analyses of academic achievement data, the studies by Doctor Clark and Doctor Walberg and some of their charts and data, and then, of course, the literature, professional literature, in the field of desegregation, including such works as that by Coleman, by Farley, by Doctor Christine Rozell, by Dr. Carl Toyber, and stud like the N.I.E. report that included studies by seven different experts in desegregation and academic achievement.

Q. Have you conducted a survey in DeKalb County, Doctor Armor?

A. Yes, I have.

Q. If you would, please, identify Defendant's 217.

A. This is a series of tables that tabulate the results or summary of a survey I conducted.

Q. What was the nature and purpose of this survey, Doctor Armor?

A. The nature of the survey was a survey of parental opinions and intentions regarding various aspects of the school desegregation in DeKalb County, and its purpose was to help me and the district in evaluating both current desegregation plans as well as possible future developments of those plans.

Q. All right, sir.

[24] Will you be relying upon the results of this survey in rendering your opinions today?

A. Yes, I will.



Q. What methodology did you employ in conducting the survey, Doctor Armor?

A. It was what we call a standard telephone interview survey that is perhaps the most frequent kind of survey being conducted these days. We drew a stratified random sample of parents of DeKalb School System, stratified by race so that we had a fully adequate number of both black and white parents.

We developed—I developed an interview schedule, series of questions, drawing heavily upon similar studies and interview schedules that I have used in other studies of segregation plans in other cities, and then the interview was administered or the actual telephone interviewing was taken—took place—was conducted by Amergon, a professional research and interviewing firm in Detroit, Michigan.

Q. Did any other persons assist you in the development and implementation of this survey?

A. Yes.

Q. Who was that?

A. Dr. William Clark from U.C.L.A. participated in some of the overall design of the instrument, the questionnaire, interview schedule, and then Dr. Sandy Berry, who is the Head of Survey Research at the Rand Corporation, helped in some of [25] the question wording and format of the questionnaire, question wording, and she also did some onsite monitoring, training of interviewers at Amergon and onsite monitoring of the interviewing process in Detroit.

Q. Doctor Armor, if you would please identify Defendant's 9.

A. Defendant's 9 is the interview protocol or the interview schedule used for the survey.

Q. Did you approve of the final survey questions, Doctor Armor?

A. Yes, I did.

Q. Do you have an opinion as to whether or not this survey was valid?

A. Yes.

Q. And what is that opinion, Doctor Armor?

A. Well, I think it is a valid survey.

The main threat to the validity of surveys, or primary threat, of course, is what we call response rate, that is, making sure that you are able to execute a substantial—a sufficient proportion of the original sample. It is difficult at times to reach people on the telephone, and you get bad telephone numbers, and people aren't home, requires callbacks and so on. That's one of the primary threats to validity.

This survey, I'm happy to say, was one of the highest response rates that I have ever experienced in [26] conducting a survey of this type, over 90 percent net response rate, over 80 percent gross response rate. It's the highest I have ever done of that kind.

As far as other issues, we did develop validity checks for the interviewing process and that's where we made sure that the interviewers are executing the form properly, and, of course, the content itself, it's just a question of just looking at the face content, making sure that the questions are clear and unambiguous and unbiased.

So I think in all these criteria, I think it meets the acceptable levels of validity in the field.

Q. Have you drawn any opinions or conclusions as a result of this survey?

A. Yes, I have.

Q. And what are they, Doctor Armor?

A. There's a whole number of different conclusions, depending on the specific issue.

Q. All right, sir.

If you could review the tables for the Court, please, and indicate what they show for you and what conclusions you have drawn from those tables.

A. Maybe I should start by just saying that the survey is an overview. The survey examined the current potential success and future success of the M-to-M program, potential magnet prgrams, types and kinds of magnets that might be successful [27] in DeKalb County,



and then finally an evaluation of the possibility of what might happen if a large-scale mandatory plan were adopted in DeKalb County. Those are summarized in a series of tables.

Shall I continue?

Q. Yes.

A. Table One is a description of what we call the response rate, shows the sample size. There were 625 black parents and 601 white parents in the total sample. It gives a tabulation of various non-responses and the reason for non-response, and it also tabulates a gross response rate, which is literally, of the original sample, how many interviews were completed and a net response rate which reflects deletion of bad telephone numbers, which is a common technique in telephone surveys or surveys in general, that, if you have a bad address or a bad telephone number, that they are excluded from the base and a net response rate is computed.

The gross response rate, without even deleting any of the original numbers, is over 80 percent, which is the common standard for acceptable response rates in surveys, and, of course, over 90 percent on a net response rate.

Table Two was a simple question that we often start these interviews off in terms of the overall quality perception of quality of the DeKalb School System. Both black and white parents have very similar evaluations of the quality [28] of schools in DeKalb County, and I would say, having done this kind of survey before in many other cities, very high ratings of good or excellent schools so that perception of the quality of education in DeKalb County is quite high and does not differ by race of parents.

Table Three are some general attitudes on alternative desegregation approaches. Desegregation plans, of course, are very complex with a lot of different techniques. The purpose of these questions was to use sort of fairly generic terms without mentioning specific things like

"M-to-M" or "magnet" which are terms that sometimes need explanation to parents, to get some idea of what both black and white parents think about or what kinds of plan approaches they would support or oppose.

We can and see a number of very interesting things emerged. For voluntary transfers with free transportation, which resembles the current M-to-M program, very strong support of this kind of approach from black parents. White parents also supported in the majority, although there's a somewhat higher proportion that oppose it, this type of plan.

The second, a voluntary program with special academic studies is sort of a way of describing what we try to do in magnet programs. For both groups those kinds of approaches had the highest support, and, in fact, significantly the white sample had 85 percent support, and [29] this is one of the reasons why those kinds of programs are very popular these days, because they do attract white parents into an integration experience.

And the final general approach is mandatory bussing where you mandatorily reassign parents across the county to achieve racial balance. Typically in most cities, and DeKalb County is no exception, the white parents are strongly opposed to it. Here 87 percent opposed it. Interestingly, the black parents in DeKalb County were split fifty-fifty on it. In some cities I have studied black parents tend to have a fairly sizeable majority to support to mandatory bussing, although nationally this DeKalb County result very closely corresponds to national studies on the attitudes or the views of black persons towards mandatory bussing.

Table Four is a—basically looks at the knowledge, awareness, and popularity of the M-to-M program. I think it is significant that 80 percent of both the white and black parents have heard of the M-to-M program. That is very important that people know of these programs so they can take advantage of them.



The participation rate, of course, is much higher among black parents than among white parents. We know that from our actual attendance data in M-to-M. Of those who are not participating at the present time, we asked the likelihood that they would—they might participate in the future as a [30] way of getting at the possibility of future expansion of the program. Significant numbers said they would definitely or probably like to take part of it even if it meant a busride 45 minutes away from their district. That's black parents. The white parents have not participated to any great extent at the present time, and there's no indication that that would change in the future.

Table Five is a part of two tables evaluating the magnet school approach. The first task in looking at magnet school program development is the kinds of programs that would be attractive.

Of course, again, what I have found in studies of this type, that academically oriented, technically academically oriented programs are the most popular for magnet schools: math, science, gifted and accelerated, computer science. Those usually top of the list of magnet schools in most school districts, and they certainly form one, two, three and four of the white parents' sample. Generally speaking, they are among the most popular choices for the black parents' sample. That is true for both high school and elementary programs.

Table Six was an attempt to look at the potential participation of parents in magnet schools. My focus here is especially on the white sample, because a major thrust of the magnet program would be to involve white parents coming to [31] integrated schools or in some cases majority black schools that require a change from their present neighborhood school, and the results basically show what I have seen, not only seen in other surveys, but seen in actual practice which is, indeed, if you offer a solid and popular enriched academic program, that you can attract substantial numbers of white parents into a de-

segregated school or a school they might not otherwise want to transfer into, and that is basically what these results show for DeKalb County.

The final table, Table Seven, again looks at the—at a third kind of desegregation program, in this case a countywide mandatory bussing program, which would involve the reassignment of children to a desegregated school, a mandatory reassignment, in different neighborhoods some distance away.

The results show what I have found in other cities, that I would expect the implementation of a mandatory countywide program through, let's say, a mandatory pairing of schools, that I would project a very significant amount of loss of white parents, probably on the order of 40 to 50 percent if such a plan were adopted. That would probably, as it has in many districts, accelerate and transition Dekalb County into a predominantly black school district.

Q. Thank you, Doctor Armor.

Other than the survey, Doctor Armor, what other things have you been requested to do by the DeKalb County [32] School System for purposes of your appearance here as an expert witness?

A. Basically I have been asked to study a variety of issues that get at the appropriateness and success of the DeKalb County desegregation plans and programs over the past many years in accomplishing or ending the dual school system.

Q. Have you focused on any specific areas for purposes of this?

A. I have looked at a number of different issues, including achievement and a variety of analysis of other focus, demographics, but in housing issues, housing desegregation, but my primary focus where most of my analysis was concentrated was on the issue of student assignment first and second on the issue of faculty racial balance in the schools.



Q. As a social scientist, Doctor Armor, do you have an understanding of the meaning of the phrase "dual school system?"

A. In a general sense, yes, I believe I do.

Q. And what does that mean to you, Doctor Armor?

A. I believe a dual school system is one that—a system that is maintained by official state action, state law or state action, in such a way that maintains separate schools for black students and white students.

Q. Are you familiar and do you have knowledge of the 1969 desegregation plan, DeKalb County?

[33] A. Yes, I do.

Q. Okay.

Have you formed an opinion as to the effectiveness of the 1969 desegregation plan to remedy the historically operated dual school system?

A. Yes, I have.

Q. And what is that opinion?

A. With respect to student assignment, in my opinion, the 1969 plan completely desegregated the district and undismantled or undid the prior dual school system through a series of school closings, closing all formerly black schools that were still open at that time and adopting a policy of geographic assignment which had not existed in the district prior to that time. As a result of that plan and those procedures the district was fully desegregated in 1969, at the time the plan was adopted, I should say.

Q. In the area of student assignment, Doctor Armor, have you formed an opinion as to the effectiveness of the desegregation programs in DeKalb County from 1969 to the present?

A. Yes.

Q. And generally, first, what is that opinion?

A. In my opinion, the programs adopted in 1969 and supplemented by some later programs, M-to-M in particular, have have desegregated the district with regards to the dual school system that existed prior to 1969.

[34] Q. All right, sir.

Now, in arriving at this conclusion, what information and/or data have you relied upon?

A. A number of different things. I have, of course, evaluated the actual enrollment of schools. That was the primary focus, both individual schools and some summary indicators of desegregation from 1965 basically up to the present day.

I have looked at M-to-M program enrollment, enrollment in magnet schools. I have looked at a series of boundary changes and school openings and school closings and their potential role in desegregation. I believe that's most everything that I have relied upon. Some census data.

Q. In arriving at your opinions have you utilized any quantitative means for calculating desegregation?

A. Yes, I have.

Q. And what are these quantitative means, Doctor Armor?

A. For the purpose of summarizing desegregation levels I have computed what are known as the dissimilarity index and the exposure index, which are two different quantitative measures of desegregation that are in very common and very wide use by social scientists today to measure desegregation.

Q. Are you familiar with and conversant with the distinctions between the two?

A. Yes, I am.

[35] Q. Have you prepared exhibits that reflect the use of these indices?

A. Yes.

Q. Please identify Defendant's 181 and 182?

A. Exhibit 181 is the—is an illustration of what the—it's a word definition, you might say, of the dissimilarity index and of the exposure index, and with an example.

182 is an illustration of values or index values on a hypothetical group of ten schools that have different racial compositions.



Q. And when were those exhibits originally prepared, Doctor Armor?

A. Let's see, I believe these were the exhibits that were used in Armour versus Nix.

Q. Could they have been used in the Redan case?

A. It could have been Redan. I used those indices in both cases, so—but I don't remember, it was too long ago, which one was.

Q. Well, I believe that the record will indicate that it was in 1983 in the Redan phase of this case.

Doctor Armor, recognizing that the court has heard some testimony on the use of the indices, could you briefly explain what Exhibits 181 and 182 mean and the distinctions, could you explain the distinctions between the dissimilarity and the exposure indices?

[36] A. Yes.

Without trying to go through the details of each exhibit, which I find is still confusing to the layman, no matter how we try to describe what these indices measure, let me just summarize what the two indices are.

The dissimilarity index is a measure that measures essentially departures from perfect racial balance. The basic thing being measured there is how many people you have to move around to achieve perfect balance in every school, that is, that every school would have a percent black or a percent minority that would equal the exact district average percent of black or minority. So, in effect, I like to call it sort of a racial balance measure.

The exposure index is conceptually quite a different indicator, because it is a measure more of the interracial contact or the exposure of one group to another, and it is not the same thing as racial balance, because there are situations where there's very substantial exposure of the minority population to white students, even though that happens in a case where there isn't perfect racial balance.

The exposure index is, therefore, is more of a measure of interracial contact, in some cases you might say a measure of racial isolation relative to the number of—or

proportion of white in a district, whereas the dissimilarity is a measure of pure racial balance.

[37] I guess I should say that the second exhibit is an illustration of a point that I may make a couple of times, and that is, while, generally speaking, the two indices behave fairly similar, that is, in large national studies comparing these indices for whole school districts or whole cities, it is used also for residential segregation as well as school segregation, generally speaking, the two indices can have very similar values.

There are some circumstances, however, where the two indices measure—say two quite different things. I mean, they don't agree at all, and I have shown that in the third panel of 182. It is an example of the dissimilarity index. These range from zero, meaning perfect integration, and one meaning perfect segregation. It shows dissimilarity being .56, which is midway on the scale and, therefore, some significant racial imbalance exists, but the exposure index value is .11, which is very, very low segregation by this measure, about as low as it would ever get this any empirical case that I know of.

If you look at the distribution of students in each school, you can see what—you can really get an idea of the difference of the two measures.

It happens—this phenomenon happens when a district has a fairly low percent of minority or black, in this case hypothetically a ten percent black total population. [38] The 1,000 black students are, you would say, I would say, well integrated, that is, each of them are in schools with 800 white students, so the minority population here is well integrated.

However, there are, because it is a very low percent black hypothetical district, there are five schools that have no black students in them, so that while the black students are well integrated at about 20 percent per school, some ways of looking at it would be ideal, you have substantial imbalance because all 1,000 are in five schools and none are in five other schools. You wouldn't



get a low dissimilarity dissimilarity unless we distributed those thousand until they had something close to ten percent in each district.

The bottom line of this is that there are circumstances where the two indices measure quite different things, and, therefore, one has to be careful as to what one is measuring and what the before using the index.

Q. Thank you, Doctor Armor.

MR. WEATHERLY: Your Honor, I realize we have only gone about an hour and ten minutes. I am just advising the Court I am at a point where the witness is going to shift to a series of exhibits using the indices; will probably be 15 or 20 minutes of testimony.

THE COURT: We will take a the morning recess at this time, 15 minutes.

[39] (Recess)

THE COURT: Go ahead.

---

## DR. DAVID JAMES ARMOR

having returned to the stand, testified further as follows:

## DIRECT EXAMINATION

BY MR. WEATHERLY:

Q. Specifically, Doctor Armor, what did you do with the indices for purposes of arriving at your opinion with regard to the desegregation efforts of the DeKalb County School System since 1969?

A. I computed the index of dissimilarity and index of exposure from 1965 up through 1986 for both high schools and elementary schools and tabulated the numbers.

Q. If you would please identify Defendant's 2 and 7, Doctor Armor.

A. Exhibit 2 are the results of the indices of dissimilarity and exposure, there's two different versions of the exposure, but the last row, relative exposure, are the numbers of interests, and also tabulates the percent

minority and the total enrollment figures for 1965 through 1986.

Exhibit 7 is the—is a separate tabulation of M-to-M enrollment between 1977 and 1986, and from 1984 through '86 it computes the—it shows the index values for dissimilarity and the relative exposure index, if all of the [40] M-to-M students were put back into their school of residence, so it's the level—index levels or desegregation levels that would exist without or in the absence of the M-to-M program.

I might mention also, because I said the index ranges from zero to one, frequently the index is displayed from zero to a hundred, and in this case in all my exhibits I have used the scale zero to a hundred instead of zero to one.

Q. Have you prepared other exhibits reflecting your analysis, Doctor Armor?

A. Yes. I have prepared a series of charts that summarize the index values for those years.

Q. Would you please identify Defendant's 5?

A. Yes.

Exhibit 5 is the desegregation—the relative exposure index for high schools tabulated from '65 to 1986, and it also shows the tabulation or a graphing of the percent minority for those years, and it also has an indication of the index value if all M-to-M students were returned to their home school.

Q. All right, sir.

Now, Doctor Armor, what does Defendant's 5 show?

A. Well, basically it shows that, as we would expect, in 1965, and for all earlier years, the index was one hundured reflecting perfect segregation. All schools were either all-black or all-white from that year and prior to that year.

[41] Starting in 1966—I will also mention that the percent minority was quite low, about five percent, in those—in 1965 and throughout the late sixties.

The index—



Q. Doctor Armor, if I may interrupt you, you have used for your charts percent minority rather than percent black. Would you tell the court why you used percent minority?

A. Yes. I have used percent minority because in recent years, last few years, there are not a large percent, but there are some non-black minority students such as Asian students. Conceptually the reason for doing this, and I have done it virtually all of the cases that I have worked on, is that generally speaking, one cannot desegrate blacks students with other minority students. The relevant level—the relevant issue for desegregating black students is how many white students there are.

For example, a school that was 50 percent black and 50 percent Asian would not be a desegregated school by most definitions that I know of, or 50 percent black and 50 percent Hispanic, such as we have throughout much of the Southwest.

There's no way to compute these indices in a summary fashion without making a choice whether minority students—whether non-white—excuse me—whether non-black minority students should either be combined with white students or combined with black students, because of my own conceptual [42] belief that you can't desegregate black students with minority students, and because the percent white is the relevant statistic for evaluating the success or potential for desegregaiton, I have combined them—in these indices I have combined them—I have combined other minority with black rather than putting them into the white category.

Q. All right, sir.

I'm sorry for having interrupted you. Would you explain—

A. I should also say that I don't think it makes much difference here. In the early years, certainly up through—up until the late seventies, early eighties, I don't think it makes any appreciable difference, because the percent other minorities are extremely small.

In any event, the chart shows a rather steady decline in the index in the late sixties, primarily through a freedom of choice plan that was adopted which allowed black students to attend white schools. The fact that it dropped quite a bit illustrates the extent to which, with a very small number of minoriy students, fairly substantial numbers of them did, in fact, transfer to white schools during that period.

The biggest drop, the largest change was in 1969 when —in '68 and '69 when the last black high schools were closed, so that in 19—as of '69, that fall, the index drops [43] to 10, which is an extremely low level of segregation, about as low as you would ever see that index fall.

Then starting in the early seventies there was a very, very substantial demographic transition that took place in the southern part of the county, a very rapidly growing black population, declining white population, and increasing minority of black population throughout the seventies, and, as the percent minority began rising steeply, as you can see, starting in '72 and has actually risen fairly steadily throughout that time, the index began climbing again as the schools in the southwest part of DeKalb County became increasingly minority and a number became predominantly minority during this time.

That increase in the index for high schools peaked at about 1977, and at this time the M-to-M program, which had had some numbers in it in prior years, but really began to grow dramatically with some enhancements involving free transportation and publicity and a variety of other changes that took place in '76, and we conceded that, if that program had not been started, the solid curve there which peaks at about '77, one would continue that line up to the first circle on the 1984 year, so that without the M-to-M program the index would not have begun declining until at least '83 or '84.

In any event, as a result of that program and to some extent some demographic changes, the index began [44] declining again, and today, or 1986, the index has dropped



down to 35, which is a reasonably low figure, indicates a fairly substantial amount of desegregation going on.

The three circles on '84, '85, '86 shows what the desegretion index would be if the M-to-M program did not exist, and we can see that the segregation level would be 15 points higher if we did not have the M-to-M program compared to what it is today, a rather significant impact on desegregation as a result of the M-to-M program.

Q. Doctor Armor, have you formed any impressions as to whether there is a trend in DeKalb County with regard to the levels of desegregation in its schools?

A. Yes.

Q. What is that opinion?

A. Well, I would expect the trend to continue. As we see, it is a trend that's gone on for quite some time. It is a trend that started in '77. It was a slow trend until '81, but it is a more steeper trend now, and I think demographically speaking one would expect that trend to continue for several more years, at least.

I would also, based on my analysis of things like the M-to-M program and the potential for other kinds of programs, I would expect that index to keep declining for at least several more years.

Q. And have you done an analysis of elementary schools using [45] the relative exposure index?

A. Yes, I have.

Q. If you would identify Defendant's Number 4, please, sir.

A. Yes. This is the relative exposure index for elementary schools, the dark, heavy line, between 1965 and 1986, also tabulated as the percent minority for those same years. Also, the circles on the '84, '85, '86 years of the graph represent what the index value would be if there was no M-to-M program.

Q. Do you see a similar trend for elementary schools as you did for high schools?

A. Yes.

Basically the trend is more marked in the '69 year than it was for high schools. It has some very, very steep drop; the index dropped more than 30 points from just about 60 down to 30 upon the adoption of the '69 plan when all of the remaining black schools were closed.

Again, as the percent minority began rising, the index climbs again, reaches a maximum of around the low sixties and again begins declining again. Some of that decline has been due to the M-to-M and other programs, although in the case of the elementary there are other factors operating, including demographic patterns, some more integration taking place geographically in the district, and that is probably the predominant reason by the index is falling and there's more desegregation throughout the [46] district.

Q. Doctor Armor, have you prepared exhibits using the dissimilarity index?

A. Yes, I have.

Q. Would you identify Defendant's Number 6, please?

A. Number 6 is the display of the dissimilarity index for high schools, same years, also percent minority is shown, and also the value of the dissimilarity index if the M-to-M program didn't exist.

Q. And what does the chart reflect, Doctor Armor?

A. Well, the chart reflects a similar pattern, although the drop or the decline for the dissimilarity index is not as great, that is, the index was a hundred in 1965 when this system was totally desegregated, totally segregated, it only dropped 50 points to 1969, even though all black high schools were closed by that time and, in fact, there was no—not even a single majority black high school at that point. But the index is only 50, and the reason it is only 50 was discussed by me in the hypothetical example I showed on Exhibit—I don't remember the number, but the hypothetical example, that the reason this dissimilarity is still 50, which represents the mid-point in segregation, is because there were only five percent minority, and



that five percent was not distributed in a racially balanced way with five percent minorities students in every single—in every single high [47] school.

Rather, what you had was a series of well-integrated high schools in the southwestern, mostly south and southwestern part of the district. So, even though there were no predominant minority high schools, and, in fact, I would describe most of them as well within the range of an integrated school, because they were not uniform any distributed in a racially balanced fashion, we still have an index of 50.

As far as the rest of the pattern, it also shows a climb in the dissimilarity index until '76, and then a steady decline in the index from '76 on to its current level of about 48 in 1986.

Q. And, Doctor Armor, have you prepared an exhibit using the dissimilarity index in elementary schools?

A. Yes.

Q. And would you identify Defendant's Number 3?

A. Yes.

Q. What is that, Doctor Armor?

A. This is the final chart which shows the dissimilarity index values for elementary schools, same years, same everything else.

Q. Can you explain the difference in the patterns for elementary schools than in high schools, Doctor Armor?

A. Yes.

[48] We have, again, a significant decline in the index between 1965 and '69 with the largest decline between '68 and '69 when the last elementary schools were closed, the last elementary predominantly minority schools were closed.

But in this case the index remains—never got in those early years never got below 70, even though all but one of those elementary schools were well integrated at the time of '69, and the reason for that, again, is that the fact that the index measures racial balance so that—with only seven percent minority in the district at that time,

they were not distributed uniformly, they were, for the most part, in the south and southwest parts of the district, so we have a situation where we had very substantial integration as far as racial contact and racial isolation is concerned, but there was still racial imbalance existing at that time, and the rest of the trends are similar, just less pronounced than they were for the exposure index.

Q. Were there any excess of majority black schools in 1969, Doctor Armor?

A. Yes, there was.

Q. What school or schools?

A. As I mentioned, with the exception of one elementary school, all the elementary schools were well integrated. The one exception was Terry Mill, which I believe was about 70 percent minority in the fall of '69.

[49] Q. Did you make any inquiries with regard to Terry Mill Elementary School?

A. Yes, I did.

Q. And have you formed any impressions as a result of that inquiry, Doctor Armor?

A. Yes.

Q. What are they?

A. I was concerned obviously with a school at 75 percent minority at the time the '69 plan was adopted, because it is predominantly minority, 75 percent, and, in fact, it became all minority within a few years after the plan adoption.

I wanted to make sure—first of all, I wanted to satisfy myself as to what had happened was a result of the plan assigning students or what have you, or was it a result of demographics, and also what was the before the court at that time.

Basically, if you look at the enrollment patterns for Terry Mill and you look at where it was located, Terry Mill, of course, is—

Could we have the map up?

Yes, Terry Mill is the school closest to the City of Atlanta, and, in fact, the pattern of in-migration followed



sort of a expansion from this portion of the eastern part of Atlanta down through in a southerly and southwesterly —southeasterly direction. In 1968, the fall, which would be [50] the latest figures that would be before the court during the time that the plan was discussed and adopted, Terry Mill was only about fifty-fifty black, 50 percent black, 50 percent white, so that—

And, moreover, to the best of my knowledge and analysis of documents, there were no black students assigned or from other schools close by assigned to that school from other—from some other location. So that—

If you look become a couple of years before that, Terry Mill was the first school to undergo a very rapid racial transition with a percent black growing by 20 or 30 points per year. So I think it literally overtook the plan, in effect, so that even though it was—it seemed to be an integrated school at the time the plan was formulated, but by the time the school opened in '69, it was around 70 or 75 percent black, and it was the only school that had that characteristic at the time the plan was opened, although some other schools went through that same transition in the next several years.

Q. Was Terry Mill a previously all-white elementary school?

A. Yes, it was. It was not one of the black schools. Obviously, it would have been closed by the plan. But it was virtually all-white I think as early was 1966 or '67.

Q. All right, sir.

Doctor Armor, shifting gears for a moment, have you done a study of the role of the personal choice in [51] housing patterns in the Metropolitan Atlanta Area?

A. Yes, I have.

Q. And when was this study done, Doctor Armor?

A. I did that study in connection with the Armor v. Nix case in 1978.

Q. And, briefly, what methodology did you utilize for purposes of the study?

A. Basically I used survey data to determine the level of choices or where white and black respondents or adults prefer to live in terms of racial composition, and I used those preferences for racial composition to do some simulations and analysis of how much existing housing segregation in the metropolitan area could be explained by reference only to those preferences, that is, if black and white families could get their choice, get their ideal preference for a type of neighborhood.

Q. And what conclusions did you reach from this study, Doctor Armor?

A. The basic conclusion, I think, is best described by a dynamic or the observation that the kinds of neighborhoods that blacks tend to choose ideally are the kinds of neighbrhoods that whites leave. Black families typically in this area, and it's true nationwide in other cities I have looked at, tend to favor neighborhoods that are fifty-fifty, integrated but at a fairly high level, fifty-fifty level. [52] The white families, the white respondents, on the other hand, tend to favor neighborhoods that are integrated but would be more towards the 10 to 20 percent black level. At the fifty-fifty level more whites would leave those neighborhoods than would move in, and very few, in fact, prefer to live in fifty-fifty neighborhoods.

So, these preferences set up the process of, when there's black in-migration, tends to concentrate in areas were blacks are already there, whites tend to leave, and it sets up the process of racial transition we see illustrated very clearly here in southwest DeKalb County.

Q. All right, sir.

A. I guess my quantitative analysis suggested here in Atlanta at that time that between 70—between 70 and 90 percent of existing segregation levels, depending on what index you used, could be explained by the operation of preference alone without reference to any other demographic or economic factor.



Q. Now, since the Armor versus Nix case, have you conducted other studies on the factor of personal choice and residential segregation?

A. Yes.

I did some major surveys. I conducted original surveys as well as further simulations, in some cases much more sophisticated simulations of the role of preference. The [53] most important of these studies was for the Kansas City metropolitan area. I also did something similar in the Little Rock, Arkansas, Metro Area. And I did a similar kind of study in Omaha.

Q. What results did you see from these surveys in terms of the impact of personal choice on housing patterns?

A. Basically—I'm sorry, the pattern of black preference for fifty-fifty neighborhoods, white preference was much lower percentage black, 10 to 20 percent, is repeated in all these locations, and a similar pattern of racial transition has taken place in most of these areas that I think can be explained very largely by the operation of reference, and, in fact, in the case of Kansas City, the simulations included some economic factors, and, when I put together both preferences and economic factors, I was able to explain over 90 percent of the existing level of segregation using the exposure index.

Q. Doctor Armor, given these preferences of black families and white families in terms of residential housing choices, do you have an opinion as to whether stable integrated neighborhoods are likely?

A. As a rule, they are not likely, as we see throughout this country and certainly in this area of the Atlanta area and DeKalb County. We do have, I say as a rule, because there are exceptions, of course, to any rule, although most of the [54] exceptions to segregated neighborhoods usually are transitional neighborhoods where for a time there is black in-migration, and it takes awhile for the transition to take place,

So, we do, once in awhile, see an integrated neighborhood, but usually it's transitional in nature. Over a pe-

riod of time it will shift and become—unless the in-migration stops or factors change other than what we have seen in most cities, generally speaking, the neighborhoods will transition to become predominantly minority.

Q. Have studies been done by persons other than yourself on the issue of personal choice and its impact on housing choice?

A. Yes, there have been some other studies.

Q. And, briefly, what studies have they been and are their conclusions consistent with your conclusions?

A. Yes, they are.

The theoretical basis for this phenomenon was developed in a book by Thomas Schelling. I don't recall the title of that book right now, but he formulated the theory of the tipping point and explained how that process can work mathematically, or statistically I guess you might say.

But ~~the~~ study that I thought was the best application of the tipping point theory was done by Reynolds Farley, a Professor of Sociology at Michigan, and his results were published in an article called "Chocolate City, Vanilla [55] Suburbs," and it was based upon his own survey data in Detroit. He showed very clearly in his study the tipping point in that city using his data was something around 30 percent, and that after you reached about the 30 percent level more whites would leave a neighborhood than would move in and that that sort of sets off the racial transition phenomenon.

Q. From your analysis of the Atlanta area and DeKalb County, have you forced any opinion with regard to causes for the segregated housing patterns in DeKalb County?

A. Yes.

Q. And what is that opinion, Doctor Armor?

A. Well, basically the causes of the housing segregation we see in DeKalb County are a whole variety of the interplay of personal preference, economic factors, distance, a number of factors that have been identified as impacting upon where people live and choose to live and where they can afford to live and where they want to live in relation to conveniences of various kinds, jobs, shopping centers, family, and those factors, rather than any school action or any school policy were the—are the dominant causes of segregation here in DeKalb County.



Q. And what information have you relied upon in arriving at that conclusion?

A. I relied on my earlier studies, of course, in the Atlanta metropolitan region. I have relied upon the newer studies [56] that I have conducted in Kansas City and Little Rock. For example, I have relied upon Doctor Clark's both original studies and his updates of looking at the residential transition happening here, and mobility migration happening here in DeKalb County up through '85, and I have also relied on, to some extent for the school side, ruling out the possibility of school actions, I have relied upon some analysis of boundary changes and school openings and school closings since 1969.

Q. I think you have indicated that you have done an analysis of boundary line changes in DeKalb County?

A. Yes, I have.

Q. What was the methodology of this analysis, Doctor Armor?

A. I asked the district to put together or to compile all the boundary changes that have taken place in the district from 1969 to the present time—until 1986, either as a result of—because of a boundary change or because of a school opening or school closing, and then I looked at those boundary changes and what the impact of those changes had on the racial composition of the school or the schools affected by the change and then looked at the—made an assessment of whether they had a significant effect and, if so, what kind of effect, was it segregative or desegregative. Q. Have you prepared an exhibit to reflect this analysis?

A. Yes, I did.

[57] Q. Would you identify Defendant's 60, please, Doctor Armor?

A. Exhibit 60 is a summary of boundary—school boundary change effects from 1969 to 1986.

Q. Do you have an opinion, Doctor Armor, as to whether the boundary line changes shown on your exhibit have contributed to the increasing levels of housing segregation in DeKalb County?

A. Yes, I do.

Q. And what is that opinion, Doctor Armor?

A. Well, the chart shows the summary that out of 170 changes that have taken place, either by school openings, school closings, or just the shifts of boundaries between adjacent schools, a hundred—I'm sorry—162 of them, all but eight have no significant effect. By "significant effect" in this analysis I meant one where a school changes in a segregative or desegregative direction, vis-a-vis, the district-wide average percent of black, by more than five percentage points, so that the vast majority, almost all had no significant effect and could not, therefore, on those individual schools, could not, therefore, be implicated in this very massive transition of southwest DeKalb from a white area generally to a black area.

Of those eight changes that had a significant effect, five of the eight actually went in a desegregative direction, that is, it moved as a school closer to the [58] district-wide average. Two of them had mixed effects, that is, one school became more segregated and one more became desegregated, and only one had—only one boundary change was observed in this 17-year period that actually had just a segregative effect, and I believe it was one that hit right at about the five percent point, that is, a percent black change by five points in a segregative direction.

So, there's just no way, in my opinion, that any of these boundary changes or openings or closings could be used



to explain the very massive increase of blacks and the resultant increasing segregation of the schools in that part of the district.

Q. Do you have an opinion as to the impact of the residential housing patterns in DeKalb County on school enrollment?

A. Yes.

Q. And what is that opinion, Doctor Armor?

A. Well, basically the district has followed, since the 1969 court order, a geographic assignment system which was part of the court order, with the exception of the M-to-M and magnet type programs that they operate today, which were also part of what most districts do today to further integration, that, given that geographic assignment system, number one, and, number two, given the massive demographic change and the influx of black families into the southern part of DeKalb [59] County. Obviously, if the housing is segregated geographically drawn school districts are going to lead to segregated schools that reflect basically the housing segregation.

Q. Do you have an opinion as to the impact of the boundary line changes which were done by you and reflected on Defendant's 60 on the racial composition of schools in DeKalb County?

A. Yes.

Q. And what is that opinion, Doctor Armor?

A. There is no significant or lasting effect, segregative effect, of any of those changes at the time they took place. There's only one that I would classify as only segregative, and that—I believe both the schools involved in that one change are presently predominantly black, so that whatever effect it might have had at the time, it has no present effect residual, because both schools are nearly all black as a result of racial transition. So basically there's no way those boundary changes could have had any significant impact on the school segregation we see in the southern part of DeKalb County.

Q. Doctor Armor, you have mentioned Dr. Bill Clark. Have you had the opportunity to review the analysis by Doctor Clark in this case?

A. Yes, I have.

[60] Q. Based upon your experience in school desegregation cases, do you have an opinion regarding the approach that Doctor Clark took in his analysis?

A. Yes.

Q. And what is that opinion?

A. Doctor Clark utilized and drew upon the methods that are used in the field to examine the impact of housing and residential change, relied on census data which all of us do and earlier survey data to basically make his assessment as to the causes of housing segregation and their demographic nature.

Q. Have you discussed his conclusions with Doctor Clark?

A. Yes, I have.

Q. Do you have an opinion as to whether these conclusions are consistent with studies done by Doctor Clark, by yourself, and by others in terms of the impact of the residential housing patterns?

A. Yes. I believe they are highly consistent with his other work and other work in the field.

Q. And is that consistent with the opinion that you have given today?

A. Yes, it is.

Q. Doctor Armor, I believe you indicated that the level of segregation in DeKalb County began to decline after 1976 due to programs being implemented by the school system.

[61] How has the M-to-M program affected this opinion?

A. Well, the very substantial impact, especially at the secondary level, the high school level, can be seen, first of all, just by looking at the number of students that are participating. The 1986 count is about 4500 students compared to a few hundred in 1976, so it has grown by



4,000 in the past ten years or so, and I believe I have seen some enrollment or sign-up data for the coming year, and it has been growing at about 500 a year fairly steadily the past several years, and I think—I do believe it is going to be around 5,000 at the opening of schools in '87.

Q. And 5,000 would be black students?

A. Yes. I believe nearly all the students in the M-to-M are black students.

But the impact goes far beyond those 4500 or 5,000 black students, because, ot only are those black students being desegregated or integrated, but they are transferring to schools that, without the M-to-M program, would be predominantly white and are in numerous cases having very, very substantial impact upon the white receiving school, so that you take a school that perhaps has a thousand white students that would be ten percent black or less than ten percent black and add 300 black students to that school, you are now talking about another 700 or 800 white students that are being integrated by virtue of the M-toM's coming in. So [62] you've got to count not only the black students but also the white students that are being integrated by virtue of the school.

My accounts, the way I sort of rule of thumb I have developed in this district is about two white students for each black student, so that we are talking about a total number being integrated through this plan of something on the order of 14—13 or 14 or 15 thousand students, certainly 15,000 by next fall.

So it is that 15,000, which is a very sizeable fraction of the district being integrated, that causes that index at the high school level particularly to have such a big change, that is, the segregation level has changed by 15 points due to this program.

Q. Is this observation congruent with your survey that you did, Doctor Armor?

A. Very much so. Its parents are participating in it and indicate—black parents indicate their intention is to

continue participating and to continue to expand their participation.

Q. All right.

A. I should say also it is consistent with the success of M-to-M throughout the country. I have looked at it at numerous places. It has had a very, very significant impact on desegregation in places like Los Angeles and San Diego and [63] a number of districts where it has been implemented.

Q. Have you reviewed the magnet school programs operated by the DeKalb County School System?

A. Yes, I have.

Q. And have you formed any opinions or impressions with regard to the magnet school programs?

A. Yes.

Q. And what are they?

A. Well, the magnet school program and magnet type schools are contributing to the program. There are about 1500 students in those kind of programs. I would say it is definitely in the formative stages. There are a number of schools that are just being started, the Kittridge School, for example, so it is my understanding that the expansion will continue. It is not contributing as much as the M-to-M program, but it does have a potential to contribute as it is expanded in the future.

Q. Have you discussed these programs with Doctor Freeman?

A. Yes, I have, and I have interpreted and conveyed to him my interpretations of the survey and some of the kinds of programs that would be successful.

Q. Let me ask you this, Doctor Armor. You have discussed the survey earlier. Do you recall when the survey results became available to you?

A. I saw some preliminary results in the late spring, early [64] summer, but I didn't really have everything completed until about mid-summer. I'm not sure I got them down here until late summer.

Q. Of what year?

A. I'm sorry. 1986.



Q. All right, sir.

A. The survey itself was—the interviews were conducted, and I don't believe I mentioned this earlier, in the May time frame of 1986.

Q. All right, sir.

Q. Doctor, many school districts have adopted mandatory reassignment plans. Do you have an opinion what would have been the effect of such a plan in DeKalb County between 1970 and 1987?

MS. WILDE: Your Honor, I will object to the relevance of this. There has been no request for a mandatory since 1968 in this case, to the best of my knowledge.

MR. WEATHERLY: Your Honor, we are looking at alternatives that may or may not have been available to the school system from 1970 to 1987.

THE COURT: I will overrule the objection.

MR. WEATHERLY: It will not be lengthy, Your Honor.

BY MR. WEATHERLY:

Q. Do you have an opinion, Doctor Armor?

A. I lost track.

[65] Q. As to what would have been the effect of a mandatory reassignment plan if implemented between 1970 and 1987?

A. Yes, I do.

Q. And what is that opinion?

A. Basically, if DeKalb County had adopted a comprehensive, large mandatory plan, let's say by pairing schools that were black in the South with schools that were white in the North, that there would have been very substantial white loss and resulting desegregation of DeKalb County.

Q. On what do you base that opinion?

A. I base that opinion on my research and case studies on mandatory plans that I have looked at in other

cities and also on the survey that I conducted here in DeKalb County to assess the intentions of parents were such a plan or such a mandatory transfer plan to be adopted here in DeKalb County.

Q. Have you been asked to do an analysis of the distribution of faculty within DeKalb County School System?

A. Yes, I have.

Q. What was the purpose of this analysis, Doctor Armor?

A. Basically it was to sort of similar to the student assignment issue, was to address the question of faculty balance in the DeKalb County schools and the extent to which the faculties are integrated or balanced with respect to the district-wide percent black faculty.

Q. And what information did you rely upon for purposes of [66] this analysis?

A. I relied upon the tabulation of the number of faculty by race and the percent black faculty over a number of years from 1969 onward, and I believe that's —I believe that's all just—I believe they were from Federal Compliance Reports, the numbers that I relied upon.

Q. Have you prepared an exhibit reflecting the results of this analysis?

A. Yes, I have.

Q. Would you identify Defendant's 61, please?

A. Defendant's 61 is a summary of the two parts of analysis that I did called "Faculty Racial Balance in the DeKalb County Schools as of the Fall of 1986."

Q. If you would, please, just explain to the court the conclusions that you have drawn as reflected on this exhibit, Doctor Armor.

A. Well, there's two different parts. The first part, the first table shows the relationship between the racial composition of schools in terms of percent black and the racial composition of the faculty in terms of percent black at the elementary and high school level.



Basically we see there is a tendency for the faculty to be somewhat blacker as the schools become blacker. The schools that are less than 25 percent black have—I'm sorry, I'm talking about the elementary level now—are about 23 [67] percent black and the over 76 percent or predominantly black schools have a 33 percent black, that the two extremes in the high schools is 25 and 32.

Basically, while there's a relationship there, the range of this average is only about ten points for elementary and only about seven points for high school. So that even though there's a tendency for the faculty to be blacker in black schools, it is a very modest relationship in terms of magnitude and that white elementary schools and high schools have substantial numbers of black teachers and predominantly black schools have predominant numbers or substantial numbers of white teachers, in fact, the majority in all cases, so that it illustrates that, although there's some correlation, the distance or differences between white and blacks schools is not great.

Q. You have done a faculty balance analysis shown on Defendant's 61. What was the purpose of this analysis, Doctor Armor?

A. Basically the purpose of the faculty balance part, which is the second part of the table, is to address the question of the compliance of the district or the attainment of something called the Singleton Standard, which is a rule that says that in desegregation cases that faculty should be—should approximate the district-wide black-white faculty. The problem is what is "approximate" or "substantially the same [68] as."

There are no districts that I know of that maintain an exact or identical racial composition to the district-wide average because of the complications in managing a faculty and being able to maintain such a precise matching.

So, the question becomes what kind of a standard one should adopt, and the trouble here is that there are different standards used by different courts. There is no

single uniform standard used anywhere that I know of or throughout the country in cases like this. To deal with that dilemma, I have developed two different standards that could be defended for DeKalb County; one a broad standard, and one is a narrow standard.

By the broad standard there's no school out of the faculty out of balance. With the narrow standard, which is plus or minus five percent allowance for high schools and a plus or minus ten percent variance for elementary schools, which have much smaller faculties, I tabulated and show that there are six elementary schools that fall outside the narrow balance standard, and there are two high schools that fall outside the narrow balance standard, although, even in the—even in the highest percent black faculty none is over—none has a majority black faculty even though the schools are majority black student-wise and even the lowest percent black faculty there are 13 percent black faculty members in that [69] school. So there is some distribution in every school.

In terms of the right-hand column of the lower part of the table shows the number of teachers, sort of the—the number you would have to shift from these schools to attain balance within those standards, and I did this to show—in fact, it's one of the reasons why these balance standards are very, very difficult to implement in practice, because in a small faculty a shift of only one teacher or the race of one teacher causes a fairly significant shift in the percent black faculty.

If I could reassign or wave a wand and reassign 13 teachers or so, 14 teachers, in these eight schools, I could have them all within the narrow standard category.

So, out of a total faculty of some, I believe, almost 3,000 or 4,000. I don't have that number with me, it's a very, very small number of teachers that would have to be shifted to essentially attain perfect balance. Therefore, even though I don't—the standard is somewhat arbitrary.



Whatever standard one adopts, I think a reasonable standard, that there wouldn't be very many schools or faculty members that would be out of line with that standard.

Q. And you, in each instance, both with the broad standard and with the narrow standard, you chose a different number for high schools and elementary schools, and why was that, Doctor Armor?

[70] A. Well, the reason for that, and I will admit this is perhaps novel, but is the fact that the average faculty is about 70 for high schools and about 30 for elementary schools. If you adopt the same standard for schools with different faculties, you can create great difficulty in the management of your faculty and specialists and people that have certain skills which are not distributed uniformly across the faculty members, and a change of one teacher in a faculty of size 70 is about one-third of the time—the amount that a change of one teacher is in a faculty the size 30.

Therefore, in order for the change of a teacher to have the same effect on the shift of racial composition, one ought to have a broader, a somewhat wider variance for elementary schools than for high schools. This also relates to what we call measures of standard deviation or standard error in statistical studies, that there's more natural variation and random variation the smaller the group of persons you are dealing with, but from a management point of view it would be very, very difficult to manage—districts have trouble managing very narrow standards that are applied to very small faculties.

Q. Have you formed any opinions or conclusions with regard to the faculty balance in the DeKalb County School System?

A. Yes.

Basically, for the past several years, in [71] particular, I think the faculty is very generally in balance. If we had a standard to adopt, only a few—that would be reasonable, in my opinion, of what reasonable would be,

only a few schools would be out of line with that standard.

Q. Why did you choose 1986 data?

A. Oh, I looked at a number of years. Actually I thought '86 would be a conservative year, because it has a few more schools that are out of balance or out of balance with my general standard in '86. As I went back to '85, '84, there were fewer schools out of balance, so I chose '86, because I thought it was the most conservative approach in terms of choosing several years.

It also illustrates, by the way, that with these small numbers and small faculties at the elementary level, that it just—you have got year to year variation that is really quite significant. You know, the race of one teacher change is a three percent deviation for the percent black at the typical elementary school, so you are going to get some variations from year to year.

But '86 is the most conservative year from the point of view how many schools are out of line.

Q. When you were on the school board in Los Angeles did you have experiences with regard to the assignment of distribution of teachers in the L.A. School System?

A. Yes, I did.

[72] Q. Okay.

What approach did the school board in Los Angeles take with regard to teacher transfers?

A. Well, this is a very difficult problem. Actually, it's a difficult problem in any school district that wants to maintain an integrated faculty at all schools, and it's not unique to Los Angeles, although I know perhaps a bit little more about that one as a board member than other districts in terms of the actual implementation and what you try to do.

We have a very strong teachers' union, and wherever there's a strong teacher's union throughout the country there is general opposition to mandatory transfers. There is no mandatory transfer policy in Los Angeles. By the way, even if you have a mandatory transfer policy, no



one can force a teacher to stay at a school, so there is no automatic answer just by having a mandatory transfer in terms of, let's say, integrating a school faculty or getting a certain kind of teacher or type of teacher at a school, because you can assign them, but they don't have to go, and we have teacher flight, as has been documented just as we have documented student flight from various kinds of mandatory assignment plans.

In Los Angeles we have a voluntary approach, and we have used incentives, that is, we—it's a large district. Most of the white teachers tend to live in the far western parts of the Los Angeles District, which is about 65 miles [73] across literally, and most of the minority teachers tend to live in the minority sections or the eastern parts, central and eastern parts of Los Angeles with a mountain range called the Hollywood Mountain or San Fernando Mountains in between. We developed economic incentives. We pay teachers more to teach in the central and minority areas of the city, and I believe it's about $2,000.00 a year.

Q. Were these incentives successful?

A. They helped a little bit, but, by and large, they were not sufficient to overcome the teachers' preference to teach in schools near where they live. It is an approach, but I don't think it is a very successful one.

## EXAMINATION

BY THE COURT:

Q. Doctor, is the Los Angeles Board of Education a countywide board of education?

A. No, sir. It's a city board.

Q. It's a city school district, not a county?

A. Not a county, although—

Q. Not quite as large as Los Angeles County, then?

A. Not quite as large, although probably covers about three-fourths of the county population and about half of the area. It is a very, very big district, about 600,000 students.

Q. Geographically larger than DeKalb County?

[74] A. Oh, I would say—yes, I would say it's larger. I don't know exactly how much larger it is.

DIRECT EXAMINATION

BY MR. WEATHERLY:

Q. Doctor Armor, have you had discussions with representatives of the DeKalb County School with regards to the possible reorganization of high schools into a junior high concept?

A. Yes, I have.

Q. What is your understanding of the purpose of such a reorganization?

A. Well, this is something that has been discussed in DeKalb County for some period of time. It is motivated, I think, primarily on the part of the superintendent and board members by educational concerns that are really common in most school districts and throughout the educational community. Junior highs have not existed in DeKalb County, although they have become certainly commonplace throughout most of the country, and I would say probably the majority of educators believe that junior highs are a preferable form of educational grade organization, because they—the junior high years are difficult transition years for children as they go from essentially very young ages to the teenage status, and those transition years create some real challenges in terms of the kind of curriculum and how you organize your faculty and the [75] kind of people who teach well at those grade groups. So I think for those kinds of educational reasons the district is interested in developing junior high school systems wherever feasible.

Q. Have you made any analysis of possible combinations of high schools in DeKalb County in junior high programs?



A. Yes, I have.

Q. And what information were you provided for purposes of making this analysis?

A. I had, of course, I had the enrollment data, the existing enrollment and past enrollment data for these high schools—for high schools in the district. I also asked for projections of enrollment for a number of schools in the central part of the district and some tabulations of M-to-M enrollments in those schools, separate tabulations by grade level. I also used—

Q. Doctor Armor—

A. Excused me. I asked for capacity information on some of these schools.

Q. Doctor, what was your approach in making this analysis?

A. Well, the issue basically, if the district is going to transition to some junior high schools, is the question of how to do this in such a way so as to further desegregation, because that will be a consideration, obviously, when they make these decisions, and they have made some proposals so [76] far.

My approach was to see if I could come up with some combinations of junior—of two high schools, I don't know junior high and one senior high, that would be integrative or, let's say, furthering the integration compared with what we have now, and obviously what was suggested—what is suggested by a map is to try to work on some combinations in the central part of the district to further integration.

Q. All right, sir.

Have you prepared an exhibit that reflects the results of this analysis, Doctor Armor?

A. Yes.

Q. Would you identify Defendant's Exhibit 185, please?

A. 185 is our—some projected resident enrollment for various junior and senior high combinations or, I should say, combinations of existing high schools into junior and

senior high combinations, and I show three such—I show three such combinations here that I can go into.

Q. All right.

Would you please do that, and move the high school attendance map a little closer to you, and perhaps you can point to that as you are discussing the schools, Doctor Armor.

A. Basically, as you look at the district in terms of the possibility of a junior high plan, we know that roughly north of Ponce de Leon and—what is this?

[77] Q. Rockbridge.

A. —Rockbridge Road, the schools tend to be—and the residential areas tend to be predominantly white, south of that area, at least in the western part of the county, predominantly black, and we have some well-integrated schools that we have talked a lot about here, Redan and Miller Grove and Lithonia to the immediate east, and because of Redan and Miller Grove and the fact there is good and reasonably stable integration in this area that will probably continue for some time, and Lithonia also tends to be a well-integrated area, what one would look towards is try to combine some of the predominantly black schools just below that road with some of the predominantly white schools just north of that area to see if you could come up with some integrated—some pairs that would be more integrated and would have prospect for more long-term stable integration in the district.

So, the schools that come immediately to mind, looking at the map, would be Towers, Avondale and Gordon, being the three schools or whose attendance zones are immediately adjacent to zones of predominantly white schools of Druid Hills, Shamrock and Clarkston.

In the case of Druid Hills, of course, and Gordon we do have the geographic separation caused by Decatur and east Atlanta, but, in terms of looking at where Gordon might go ideally if it was going to go anywhere, it is not too close, [78] but, if it was to go anywhere, you



would look at Druid Hills. So I have tried that combination.

Then I worked my way eastward, I tried Avondale with Shamrock, and then I tried Towers with Clarkston. I didn't try Stone Mountain because there isn't very much—because I have got white schools already adjacent to or in between Stone Mountain and the black schools.

So that those were the three pairs that I tried. Other combinations would be possible, but I think these three combinations are representative.

The second thing that I did is I eliminated the M-to-M population. This is not exactly realistic, and I'm going to come back to that, but the issue here is, aside from M-to-M's what does the population look like in these schools over the next several years, because they seem kind of logical for further integration, and that's where the projections come into play, because we will see in these various combinations the size of the resident minority enrollment at Towers, Avondale and Gordon, and the projected minority enrollment that is going to be taking place at Clarkston and at Shamrock, that, even without M-to-M students, there are more minority students than there are white students from the point of view—from my point of view of forming a long-term, stable desegregated combination.

So, for example, the Tower/Clarkston pairing or [79] junior high/senior high combination by 1989 would be 69 percent minority, and the prospects would be for further white decline to take place until it was all minority.

The Shamrock/Avondale combination would be 58 percent minority by 1989, but, again, a declining—an increasing minority population and a declining white population, not a good prospect.

The Gordon/Druid Hills/Briarcliff basically the same; the percent minority projected by 1989 would be 66 percent minority and, again, a declining white population and increasing minority population.

Basically any combinations of these six schools that you try, which would be reasonable because they are adjacent to each other and reasonable candidates from a purely geographic point of view would not produce a stable residential population, not to speak of the M-to-M population that is already there.

Q. Now, you mentioned the fact that you excluded the M-to-M population. Is that reasonable, Doctor Armor?

A. No, it's not reasonable in the sense that you would not, I don't think, realistically be able to remove the M-to-M students at Shamrock, of which there are 300, and can, in fact, if I add the 300 M-to-M students at Shamrock, I now have over 60 percent minority by 1989.

One might be able to transition them, you know, not [80] allow more in, and do a transition scheme. Over time you could reduce that number if no new ones were added, no M-to-M's were allowed to transferred in, but in the meantime you have made the combination even more minority, and by the time you transition the M-to-M students out you have reached 1989, and you are going to have a resident population that is declining and is predominantly minority. So, the M-to-M simply makes a situation that's already not very promising worse.

Q. From this analysis did you make any recommendations to Doctor Freeman?

A. Yes, I did.

Q. And what were those recommendations?

A. Well, my recommendations from the point of view of future stable integration, rather than looking at these pairings that I have shown on my exhibit, I suggested that he look very closely at a pairing between Shamrock and Clarkston, because he's already paired Briarcliff and Druid Hills, or is about to, about to do that this fall.

And the reason for Shamrock and Clarkston, while we are predominantly minority—I mean white at the present time, if you look at the projected enrollment for Clarkston, one can see that by 1989, which is only what, three more years from this fall, it is projected to be a



fifty-fifty school, and I think this is prudent planning in this [81] desegregation field to look at projections and take some steps that may not seem immediately necessary at the present time, but based on population movements and projections, like we did with Redan, to anticipate that by forming a combination there you will have assured a pretty well-integrated school, stable integrated school for some years into the future beyond 1989. So, I have recommended that he look closely at that combination.

Q. All right, sir.

Did you review the testimony of Dr. Herb Walberg given on July 9, 1987?

A. Yes, I did.

Q. Were you a participant on the N.I.E. panel with Doctor Walberg?

A. Yes, I was.

Q. What conclusions did you reach as a result of your study at that time with regard to the effect of desegregation programs on achievement?

A. The results of my analysis of the I believe it was about 28 selected studies that the panel viewed as the most rigorous studies, field experiments done on this topic, was that there was no significant impact of desegregation programs, that is, racial composition programs, on blacks' achievement. Black students in desegregated programs, once you control for appropriate things, are not any more likely to achieve better [82] than black students in segregated schools, again controlling for their background characteristics.

Q. Do you agree with the conclusions by Doctor Walberg in his testimony on July 9th with regard to the impact of desegregation programs on black achievers?

A. Yes, I do.

Q. Doctor Armor, have you reviewed exhibits which have been prepared by the DeKalb County School Sys-

tem comparing achievement between black and white students in the county?

A. Yes, I have.

MR. WEATHERLY: I may, Your Honor, take one moment.

BY MR. WEATHERLY:

Q. Defendant's 114, do you recall having seen that?
A. Yes, I have seen this.
Q. And Defendant's 110?
A. Yes.
Q. Defendant's 112?
A. Yes.
Q. And 115?
A. Yes.
Q. 105?
A. Yes.
Q. 230?
A. Yes.
Q. 119?
[83] A. Yes.
Q. 117?
A. Yes.
Q. 137?
A. Yes.
Q. Lastly, 234?
A. Yes.

Q. Have you formed any general impressions, Doctor Armor, from your review of these exhibits?

A. Yes.

Q. And what are those impressions, Doctor Armor?

A. Basically these exhibits and these tabulations illustrate the relationship between race, academic achievement, socio-economic characteristics that I should say illustrate what I think is common findings in this field of the pattern of black and white differences in achievement and their relationship to various socio-economic and other kinds of background characteristics.



Q. Does it give you any indications with regard to the comparison of DeKalb County black students with black students nationally?

A. Yes, it does.

There have ben a number of national studies done, starting with the Coleman Study. There's sort of—I could probably summarize these findings in two or three parts.

[84] First, of all, it has been observed, and it has been observed in most school districts and in most national studies, that black achievement tends to be lower than white achievement, in general, and, secondly, that achievement is strongly associated with a variety of socio-economic and family background factors that are normally used to explain the reason for black and white achievement differences, that is, they have different family backgrounds, different economic status and so forth, and these exhibits certainly reflect that.

And I guess, finally, that the difference in achievement patterns between black and whites students can be observed at the beginning of school, that is, before the school process has even taken place, at the kindergarten level, the same kind of differences that one observes throughout the elementary grades, and this analysis can be observed in kindergarten, and it illustrates the very powerful impact that family backgrounds characteristics have on achievement and the fact that school systems have a very difficult time through school programs alone overcoming these differences.

Q. Are these the impressions that you have just testified with regard to, are they consistent with studies that you have done on achievement?

A. Consistent certainly with my studies and probably with [85] most studies that have been done in this field in the last 20 years.

Q. All right, sir.

MR. WEATHERLY: Your Honor, I have no further questions for Doctor Armor. I may see if there are any stray exhibits?

THE COURT: Do you have cross-examination?

MS. WILDE: Yes, I do, Your Honor.

MR. WEATHERLY: Your Honor, I would like to tender Defendant's 39, 180, 179, 9, 217, 181, 182, 2, 7, 5, 4, 60, 61, 185, 6, 3 and 8.

THE COURT: 6, 3, and 8?

MR. WEATHERLY: Yes, sir. May I have one moment?

THE COURT: All right, sir.

MS. WILDE: I believe 217 is what he was calling 8.

THE COURT: I was going to say there was no 8.

MR. WEATHERLY: It is 217, Your Honor, that's correct.

THE COURT: Better not listen to those others.

MR. WEATHERLY: Yes, sir. Can be dangerous, Your Honor.

MS. WILDE: Your Honor, I object only to the introduction of 179 and 180. They were identified. They were never connected up. They have absolutely no relevance to this exhibit. Those are the two Redan exhibits you pointed out.

[86] THE COURT: From the previous lawsuits.

MS. WILDE: Yes, sir.

THE COURT: I have indicated I would allow wide latitude on exhibits in this case, but I have some concern with that.

All right, as to exhibits—Defendant's Exhibits 2, 3, 4, 5, 6, 7, 9, 39, 60, 61, they are admitted. 179 and 180 I reject. 181, 182, 185, 217 are admitted.

MR. WEATHERLY: Thank you, Your Honor.

THE COURT: All right, anything further?

MR. WEATHERLY: No, sir.

THE COURT: All right, we will recess, then, for one hour for lunch.

(Noon recess)



THE COURT: Doctor Armor, come back to the stand.

---

DR. DAVID JAMES ARMOR

having returned to the stand, testified further as follows:

CROSS EXAMINATION

BY MS. WILDE:

Q. Doctor Armor, you are an advocate of voluntary desegregation plans, are you not?

A. My studies have tended to show voluntary plans in most cities, large cities, and areas like DeKalb County are more successful than mandatory plans.

[87] Q. And among those are things like M-to-M programs and magnet schools, is that right?

A. Those are two of the primary components for a voluntary program, yes.

Q. And you believe that student dsegregation or integration, I have heard you use both on the stand, can be somewhat successfully accomplished in that fashion using those voluntary tools, right?

A. Not only successful but in many cases more successful than mandatory plans over the longrun.

Q. And no one in this case, including plaintiffs, has sought a mandatory bussing remedy since '68, have they, to your knowledge, Doctor?

A. I'm not exactly certain what the plaintiffs have sought over this time period.

Q. Well, indeed, as you said in your survey, you found that at the very least the black community split fifty-fifty at this point as to whether the black community would support bussing?

A. That's very much correct, yes.

Q. And I believe you are a proponent of magnet schools, right?

A. I believe that you can offer effective desegregation, yes.

Q. And you have recommended them in a number of places, [88] including, I take it, Pulaski County and Little Rock and those places?

A. Yes, I have.

Q. And you were a member of the Los Angeles Board of Education at the time they adopted a magnet program, were you not?

A. They largely had been adopted before I came on the board, but we did adopt a number.

Q. Can you tell this court a little bit about some of the more successful magnet programs and how they have operated?

A. Well, the—probably the first contact I had with magnet school programs would have been in San Diego. I haven't had a recent update but in the first several years of their voluntary plan they implemented several—a number of magnet schools, most of which over a period time worked quite successfully.

Los Angeles, of course, has quite a large number of magnet schools that are working quite well. Not all of them in Los Angeles work as well as San Diego because of some of the distances involved. Los Angeles has not had as good success with magnet schools located in predominantly minority areas as San Diego did.

Milwaukee has had some success with magnet schools, and so has Buffalo, and I believe there're some new programs going into operation that in Baton Rouge, Louisiana, they are [89] working pretty well, to name a few.

Q. When did the one in San Diego get started?

A. I believe it was around 1978 or '79 when the first few were implemented.

Q. Now, you conducted or prepared and had conducted as part of your work for this case a survey, did you not, doctor?

A. Yes, I did.

Q. And that's part of how you would recommend that a district would go about getting information that it needs in order to establish a magnet program?



A. Well, I think it is one of the—generally speaking, I have recommended a survey as part of the planning process. It is not the only factor, but it is helpful to plan—in planning magnet schools what programs are popular and would be successful.

Q. And it's the first time that any such survey has been conducted during the time you have been working in DeKalb County, isn't it?

A. Yes.

Q. Now, one of the things you found was that both black and white parents are interested in magnet schools and would send their children to such schools, right?

A. Yes.

Q. And, indeed, the survey response shows that 85 percent of the whites and 93 percent of the blacks would support a [90] program of voluntary transfers for special academic studies, is that correct?

A. Let me just pull out my exhibit here.

Q. Okay, fine. I think we are on Table Three.

A. Yes.

Q. And it also shows that schools would be supported, magnet schools, whether they were placed in black or in white neighborhoods so long as the racial balance of the schools was controlled at fifty-fifty, right?

A. Well, there is somewhat more success or I would project somewhat more success if it was in a white neighborhood than in a black neighborhood, according to Table Six.

Q. But, indeed, we have 51 percent of the whites saying that they would probably or definitely participate in a magnet program in a black neighborood, right?

A. Yes. But 68 percent said they would if it was in the white neighborhood.

Q. Yes.

I'm not saying it is any higher, in fact, it is lower, but, indeed, we still have more than half of the whites who are willing to give that some serious consideration?

A. Yes.

But let me explain that Table Six differs quite a bit from Table Three in terms of—I want to make sure I'm clear on the interpretation.

[91] These are not purely opinion or support opposed. These are questions about intentions, and intentions are a little different than "do you favor or oppose?" What are trying to get at here is the likelihood that people would actually participate in the program. For that reason I would not, and I have testified and analyzed in a number of cases that I would not expect all the "probables" to participate, and it is hard to say what fraction. Sometimes I use a rule of thumb of about half the "probables", but you wouldn't expect all the "probables" to participate. So I would be reluctant to interpret this as a majority of whites would participate in a magnet program in a black neighborhood.

Q. But you do have a substantial number?

A. I would expect a substantial number, yes.

Q. So, it is fair so say that DeKalb County parents will allow their children to travel at least 30 minutes to go to a cross-racial neighborhood in order to get a good educational program, is that right?

A. Yes, unh hunh.

Q. Indeed, as you have said in your deposition, race is not the consideration if the program is outstanding, right?

A. Let me put it this way. It is not that race is not a consideration as much as you can overcome whatever considerations, under the right circumstances, that race might offer if the nature of the program is sufficiently strong [92] academically, that that would outweigh strictly racial considerations, except you notice that there is a change when the school becomes two-thirds black so that race is still a factor, according to that table. When we talk about the racial composition of the magnet school itself.

Here you have to differentiate between the racial composition of a neighborhood which may differ from the



racial make-up of a school. So, I don't think it is fair to say that race is not a factor in this. In fact, race is showing up quite definitely as a factor. As you vary the neighborhood and as you vary the composition of the school you get a decreasing indication of support from the white families.

Q. Which argues—

A. So race is clearly still a factor.

Q. Which argues for maintaining the balance in your magnet schools somewhere in the neighborhood of fifty-fifty?

A. It argues for that. It probably argues further, and, although there's no particular example in the survey, I certainly—I certainly would, and I have, recommended magnet schools in transition schools, that is, areas that are not perceived as a completely and predominantly black neighborhood.

In the case of DeKalb, for example, there are areas like Avondale and Towers where there are still white neighborhoods in this school district. So, in the planning [93] process, to the extent that I had flexibility, I certainly would consider the location and racial composition of the neighborhood and of the school that I maintained.

Q. One of the things your survey shows is that you could put magnet schools in DeKalb County in either white or black or transitional neighborhoods and still have some white and black participation, right?

A. If it was maintained at fifty-fifty and the distances were moderate, I would say, yes, you would have participation, definitely.

Q. As a matter of fact, many schools districts have been able to attract significant numbers of white parents into a program that is located in a predominantly black school; that has happen other places, hasn't it?

A. That, indeed, has.

Q. And I believe you testified in your deposition that it may even—there may even be enough interest in magnet schools to put one or two programs in the predominantly

white or predominantly black areas where the distances might be a little greater?

A. Well, the question here is how many black—how many magnet schools one needs or should have, and that's a judgment that involves a lot of factors. One wouldn't necessarily, depending on all the conditions, want a magnet school in every single majority black school.

[94] Q. No.

A. If one was going to develop say two or three, I would certainly think of putting them in these transitional areas rather than in Cedar Grove or southwest DeKalb where the white population, particularly the north population that you would like to involve, it really would be a substantial cross-town drive, and I suspect you would harm your participation rates in this instance.

You have got to tailor this to the peculiarities to the district and, you know, how far the white concentrations are, especially those concentrations that you want to attract into the magnet program.

Q. Yes.

A. I just want to make it clear that for all of those reasons in my discussions I think the candidates for magnet schools would be Avondale, which has one, Towers; in particular Avondale and Towers.

Q. Your survey—

A. And some elementary schools are in those areas.

Q. Your survey certainly does support the fact you would have more interest in the transitional, but I believe you testified on deposition that there's enough interest that you could go beyond that in terms of where you did some of the placement?

A. You could, if it was necessary, if one felt it necessary, [95] one could go beyond it, but I would not—given the continuum that we can clearly see here, one would want to go for the areas—if it was a limited number that you wanted or needed to do, you would certainly go to those areas where the indicators would maximize a



success, because, if anything, you would want your magnet schools to be successful, and you would certainly make decisions to try to maximize it, both in terms of neighborhood and in terms of composition of the school.

Q. Doctor, if you were to go about designing a magnet school program for DeKalb County, what would be your next step?

A. Well, the next step basically after the survey would be to take a look at the actual facilities and composition.

One of the complications here is the very area that you might like to put magnet schools in tends to be among the most crowded areas in the district, so there are serious facility and capacity issues. In fact, it's probably fair to say that you really couldn't develop a—maybe one, but you couldn't develop even two or three without probably probably a major facility construction program in this part of the district, the middle part of the district, and that would cost money, so that's always of a concern to a school board.

Q. It is always a consideration?

A. Even beyond the school boards.

Q. Right.

Well, blacks will send their children to two-thirds [96] white schools, according to your survey in majority white neighborhoods. The schools to which white parents won't send their kids are those over two-thirds black in a black neighborhood, according to your survey, right?

A. Well, no, I wouldn't say there would be none. I just think that it becomes increasingly difficult. The survey it indicates that you might get some, but it might be—it might—the lower number that you get, of course, the lower resultant percentage of white it would be. So it's possible that, if you consciously set out to maintain a two-thirds black one-third white magnet school, that you might fail, that is, after the first year, first sign-up rate, that there might be some—that you didn't get as many for a third, might actually open with one-fourth or smaller. It might be a self-defeating situation.

Q. Don't those numbers argue for the importance of maintaining a racial balance below a two-thirds level in schools as a way to, quote, perpetuate desegregation?

A. Well, everything else being equal, which, of course, they are not, everything else being equal, a fifty-fifty school is the maximum racial composition that I have recommended in many cases, in many studies.

Q. I believe in your deposition you explained that one thing you could do with a magnet school—

A. I would just like to make sure, I don't say here that [97] fifty-fifty is the ideal. It is sort of the upper limit. In terms of stability, I suspect something in the range of 20 to 30 would meet even greater acceptance in terms of purely—we're just considering now the reactions of white families, so I don't want to imply that fifty-fifty is sort of the magic number. Many magnet schools recommend fifty-fifty, but from a purely stability point of view you might actually, if one could, one might have 25 or 30 percent minority, might even be more stable.

Q. Although those are the kinds of preferences you said you can override when you have a very good academic program in your magnet schools?

A. Yes, you can override them.

Again, it is a question of all these different factors contribute to the overall success. I didn't want to—all I meant was I didn't want to imply that fifty-fifty would be better than or more stable than or more successful than, say, a 30 percent minority.

Q. Going back to your deposition, I think you explained there that one of the things you could do with a magnet school would be to place it in a school that's in transition where you might expect over time that it would become predominantly black and the magnet school would attract enough whites to slow down or stop or reverse that process, right?

A. Yes, reverse the process or—not reverse it but slow [98] down the process as far as the school is concerned,



although it may not have any impact on the actual underlying housing patterns themselves.

Q. Another voluntary program you support is the M-to-M ram, isn't that right, Doctor?

A. Yes. It is a, generally speaking, it has been a very successful tool throughout the country and certainly here in DeKalb County.

Q. And your survey shows that people will change schools, meaning go longer distance than just to their home schools, for quality education, right?

A. Yes, again, depending on the trade-off for that individual parent.

Q. And, yet, only five percent of the whites in your sample currently are participating in the M-to-M program as opposed to 24 percent of the blacks, isn't that right?

A. That's probably somewhat lower than that.

Q. And your survey shows that an additional 39 percent of the blacks surveyed would be interested in participating?

A. That's correct.

Q. While most whites would not be?

A. That is correct.

Q. Doesn't that indicate that the whites are more satisfied with the education being offered in their home schools than the blacks are?

[99] A. Well, one might assume that, except that when you look at the overall satisfaction one does not find that strong a relationship. Generally speaking, that is, as a rule, that is true, that whites need some incentive other than—to overcome—something better than their home school in order to be willing to be transported, and many black families, not all by any means, but there are many black families who prefer to go to a predominantly white school, and that, in itself, is a incentive for them to take the busride.

Q. Let's address this quality question on your survey. It wasn't a home school specific question, was it, doctor?

A. No, it was not.

Q. As a matter of fact, the question read: "Generally speaking, how would you rate the quality of education in the DeKalb County public schools?" Isn't that—

A. Yes, that's correct.

Q. One of the conclusions you drew, I believe, from your survey is that M-to-M participation could be further expanded, is that right?

A. Well, I based that not just on the survey but also on the actual assignment rates that have been increasing every year for the past several years.

Q. How would you go about doing that, Doctor Armor?

A. Well, it's being done at a rate of about 500 additional students per year, and it has been happening for about five [100] years in a row. It happened again this coming year, so it is going to continue for several more years, certainly until—I would say the trend, especially at the high school level, will continue until—except for possibly the most further north districts, that the transportation ride is more than an hour or an hour or about, and until the schools in that sort of north central part or let's say some of the schools are already crowded in the eastern part, but basically until they are kind of full up and can take all they can capacity-wise I would expect it to continue.

Q. Isn't it true that the most M-to-M seats are available for blacks at least in the far north?

A. That's correct right now, yes. Most of the sort of central schools are nearing their capacity.

Q. So that it wouldn't—wouldn't special outreach programs into the black community for those schools be one of the ways to boost M-to-M, since that's where your seats are moving within the county?

A. I'm not sure I understand what you mean by "outreach" or what exactly do you have in mind there.

Q. I take it the numbers show that the blacks aren't going to the far north schools on M-to-M?



A. Well, I don't think they show that. I think they show that schools that might a few years ago have been considered north, and not have many have increased substantially in their [101] M-to-M enrollment, and I think that is certainly through true for Henderson and I think for Tucker, as those schools fill up, you have to open up opportunities further north, and I don't think I have seen a complete cessation of the possibility of continuing to move that north, but I suspect in Dunwoody and Peachtree that might be at some point harder to fill.

Of course, you remember that as the black population continues to expand in the central part of the district, and we have Avondale and Towers now, some of those schools aren't too far from Chamblee or Sequoia or Henderson or Tucker. So, it's very hard to put a specific limit on where it will stop.

Q. Well, you have only got 18 M-to-M students in '86-'87 in Dunwoody.

A. Let me take a look at my numbers here.

Q. Okay.

A. If you will indulge me, I have to get my glasses.

Q. I'm happy to offer you my exhibits. I'm not sure that's what you have seen before, though?

THE COURT: I don't think his question was with the exhibit, seing the exhibits. It was the ability to see the exhibits.

MS. WILDE: Sorry. I didn't understand.

THE WITNESS: Thank you.

A. I have 18.

[102] That's what I have got, too.

I show projections in terms of available seats for '87 at 230 and for '88 at 161, so we have got very low participation, and, yet, the available seats are pretty high up there.

A. Well, but you have got to look back now at the time. You see there's only 3 in '85-'86.

Well, this is what's happening, though, and this happens—it keeps moving northward, as seats close up, there's still a demand for this in the population. As seats —as schools fill up and lose M-to-M seats, the availabilities are further north, so, it went from 3 to 18. All that is saying is there's an interest there for those black students in Avondale and Towers.

Quite possibly, even though that's pretty far north, there's a potential of interest, and you can't, only two years with the trend, but we have gone from 3 to 18. It could be 36 next year. I don't know what the sign-ups are for this year, but it's possible it would continue growing, even that far north.

Q. Isn't that an area, though, where, if you had programs specially directed to try to sell those high schools to black students, you might, indeed, have some impact on the M-to-M choices?

Choices.

[103] A. If you tried to sell it? I don't think you need to sell the M-to-M program. I think it is really quite popular.

You take Chamblee at 7 in '82, 19 in '83, 36 in '84, 48 in '85, 55, and Chamblee is growing, and it's the next to the most northern school, so I think the limitation and the slower growths up there is simply the distance.

Q. I show 517 seats available, though, for next year. We are nowhere near that, are we?

THE COURT: Is that my chart?

MS. WILDE: It sure it. I didn't move it.

MR. WEATHERLY: I asked Mr. Evans if we might borrow that.

THE COURT: All right.

MS. WILDE: Why don't we get that back, and I will put up one of mine.

THE COURT: No, you go ahead. I know now—you go ahead.

THE WITNESS: Chamblee is up here.



THE COURT: I know where it was on the ground. I just wanted to see where it was on the map.

What's the one between Peachtree and Dunwoody?

THE WITNESS: That's the O.E.C. North. That's an open campus.

Sequoia, which is also up there pretty far, has gone from 12—3 in '82, 12, '83, 34 in '84, 53 in '85, 71, so [104] percentage-wise that's very rapid growth, and, again, as these seats fill up in the closer ones, those will be the ones that will be available, and you're going to see growth up that far north.

BY MS. WILDE:

Q. I show 388 seats available for Sequoia for next year?

A. Yes. That's probably about right.

Q. Forgive me, but you covered so many years, my level of organization is a little less than it normally is. I take it—and maybe we shouldn't switch. I'm more familiar with this map.

THE COURT: I just hope whoever manufactures that equipment doesn't manufacture defense equipment when we go to war.

BY MS. WILDE:

Q. I take it you would agree, Doctor Armor, that M-to-M is not having any desegregative impact on Walker, Gordon, Cedar Grove, Southwest DeKalb, Columbia?

A. No, I don't agree at all.

Q. Are those numbers going down in terms of the racial composition of those schools?

A. Well, the ratio percent is not going to change, but there are very substantial number of students from those schools, in fact, literally in the thousands, that are going to—that are being integrated in the M-to-M program. In fact, that's [105] where—those are all the sending schools. So, you are very definitely affecting the school when you take two or three or four hundred students out of it and put them in an integrated environment

where they would have been segregated without that experience.

Q. But you are not affecting the racial composition of the schools or making a different racially—

A. You didn't say racial—the percent black is the same, but you have affected the school very substantially. You have taken students out and put them in an integrated environment.

Q. You have not affected the school for any of the kids who stayed behind, are you, Doctor Armor?

A. No. You can only affect students who are participating, but that is substantial effect on the school, and certainly on the children that would have been at that school.

Q. I believe your testimony was that two whites impacted for every one black on the M-to-M program. Where does that number come from?

A. That comes from basically the number of white students at those receiving schools that have very large numbers of M-to-M students and without those M-to-M students the school would be substantially less integrated and in some cases predominantly white.

Q. So, those—

A. In averaging those you get about a two to one ratio.

[106] Q. So you are talking about this central band? You are not talking about north or south when you were dealing with that?

A. Let me see what I'm talking about. Briarvista —I'm sorry, I'm in elementary. Excuse me.

Q. Let's switch to secondary.

A. I'm sorry. Briarcliff, Crosskeys, Druid Hills, Henderson, Lakeside, Redan and Miller Grove and Shamrock.

Q. So we are not talking about Stone Mountain or Tucker or Dunwoody or Peachtree or Chamblee or Walker, Gordon, Cedar Grove?

A. No.



Q. The two to one wouldn't hold there?

A. The two to one won't hold. There are no white students at Walker. They are not receiving schools.

What I was trying to explain is that you not only affect the black students that transfer out, but you also affect the white students at the receiving school, so by definition the only school that can be affected are white receiving schools.

Now, for example, Clarkston, aside from the fact that it is fairly substantially integrated by residential minority growth there, it's got a capacity problem. You cannot —it's not a receiver not because of racial composition but because of capacity.

The same is true for Stone Mountain. There are [107] capacity problems at some of those schools, and that's why you have this sort of strange pattern of very substantial participation in the northwestern part of the county but almost none there. It is just too crowded.

Q. All I am trying to establish, your two to one doesn't hold for all the receiving schools, it's mainly for the central belt we identified when you were going through the list?

A. Well, it only is true for the schools that are, as I say, significant receivers, and you are not a receiver if you don't have any capacity left, or in some cases I think those northern districts, Chamblee, Sequoia, and even Peachtree and Dunwoody, will over time become increasingly integrated, and it's not because—I didn't want to count all those white students because the ratio is one student maybe for ten home school students.

Of those schools where there is participation, I'm only going to count two white students for every one incoming black student, but I think I should count something like that for all the receiving schools that do have some M-to-M, because, after all, those minority students are integrating some white students, or they are contributing to it, even at those receivers that have small num-

bers. My two to one was derived by just counting the ones where there were big numbers of incoming.

[108] Q. I take it you would advocate continuing the M-to-M program, Doctor, is that right?

A. Oh, most definitely.

Q. Let's talk a little bit about the attendance line testimony.

You would agree, would you not, Doctor Armor, that attendance zoning is a primary tool in desegregating school systems?

A. It can be.

Q. And the exhibit—

A. In fact, it was—I believe that was how the district was integrated in 1969, primarily by geographic—by drawing geographic zones.

Q. And I believe Defendant's Exhibit 60, which was the list of the attendance zones, shows 170 changes, is that right?

A. Yes.

Q. You weren't consulted on all of those at the time they were done, were you, doctor?

A. No, Ma'am.

Q. Your job today in assessing their desegregative or segregative facts is an after-the-fact assignment, right?

A. It's a historical study of the effects of all of these changes over the past ten years to see if they might—there might be some indication of potential effects on what we see today or what we see in southwest DeKalb today.

[109] Q. My understanding of what you did, essentially, was to assess the immediate compositional effect of the change determining whether it was more than five or less than five in terms of its effect, is that right?

A. That was the actual rule for classifying, but I actually had some trend data available to look as to whether there were any, you know, major changes in the trends, you know, plus or minus a few years around the change.



Q. Did you take into account the successive impact of change on other schools in the area in addition just to those two schools that you would look at on an attendance change?

A. Well, in some cases there were several schools involved like in the a school opening and a school closing, so you were affecting a whole number of schools in the vicinity.

Q. But, other than that, when you looked at an attendance line change, you didn't look at the region? You just looked at those two schools?

A. For that particular classification, yes.

Q. And you would agree that looking at the larger region may well be an important piece of analysis in terms of getting a sense as to what's happening at any given point in time?

A. I don't think the—the geography of the district is such that I really don't think it would make any different. In fact, I'm virtually certain it would not make any difference in the far northern regions, and it wouldn't make [110] any difference on a broader basis in the southwest region, because all the boundary changes north of the northern part of the district are all amongst schools, even if you went two schools over, it would be—it would be predominantly white, and the reason why there is no effect is because, for all the predominantly white schools and predominantly black schools, the net region is predominantly black or predominantly white, so whatever you do in that region is not going to have any significant impact in the region, much less the two schools involved.

Q. Doctor, you didn't have the data that enabled you to draw those conclusions, did you?

A. I don't agree. I think I have the data right here before me in terms of the enrollment of the schools.

Q. But—

A. If I've got ten schools that are all 99 or 98 percent white, there's no way—there is no possible way a bound-

ary change at a school in the middle of that could affect any of the schools surrounding it.

Q. Isn't it—

A. It's twice removed by definition.

Q. Isn't right true during the time when some of these transitions were taking place, and I believe we are talking about '69 to '86, that, indeed, on some of those if you looked at the larger region you would get predominantly white as well [111] as predominantly black schools within the same region?

A. You can see from the exhibit—wait a minute, let me get it—133—well, 166 of the changes occurred when the schools involved were predominantly white or predominantly black. The vast majority of those were in the northern—in the white case in the northern part of the district, in the black case in the southwest area part of the district.

There was a period of time when part of the southwest was still predominantly white. Those most of those boundary changes are in the mixed school category, so there aren't very many of them, and there's about, what, 23 or 24 of them out of the 170.

Q. I take it when you are called in to consult on attendance line changes you review data beyond the kind of data you had to assess these 170?

It depends on what is available. Sometimes I have more; sometimes I have less.

Q. Your preference would be to have more than you had?

A. Oh, absolutely.

Q. You were talking about the indexes dissimilarity and racial exposure on direct, as I recall?

A. Yes.

Q. And when you were describing the similarity index you kept using words like "pure racial balance" or "perfect racial balance." I take it that wasn't any qualitative assessment; [112] it was simply absolute numbers; is that right?



A. I think when I said "perfect racial balance" I meant every school would be—would have exactly the same percent as the district.

Q. So—

A. Percent black or percent minority.

Q. So, for example, if you had one black in each school, that would be perfect, and, if you had 50 blacks in each school, that would also be perfect in terms of how the dissimilarity index measures things?

A. As long as—yes, if the blacks were distributed to have the exact same number in every school, that would be perfect racial balance.

THE COURT: Same number or same percentage? She changed gears on you. You said "same."

MS. WILDE: I didn't change percentage. I said 50.

THE COURT: You said raw numbers, and he was saying percentages.

THE WITNESS: You are absolutely correct. That's what I was thinking.

BY MS. WILDE:

Q. I'm sorry.

A. Let's start over again.

Q. Numbers or percentages.

A. No. If the schools are different sizes, it would have to [113] be—it would have to be the same percent of blacks in every school to attain perfect balance.

Q. I take it the Relative Exposure Index, because it measures something slightly different, is one that has been more popular in circles that you favor over dissimilarity?

A. Popularity-wise, in the early days of this field the dissimilarity index was the only index. It has a longer history. It was used in residential studies initially, and just, by the way thoes things developed, it was the popular and common index.

Doctor Coleman, I'm not sure he invented exposure, but he certainly popularized it in his desegregation, his white

flight study of 1975. Since that time exposure has been growing in popularity in usage, because people have come to understand the different meanings the two indices have.

I think it is fair to say that a large number of the desegregation experts today prefer the exposure index or at least have to justify the use of dissimilarity when they do it. There are cases where dissimilarity should be used, because it is racial balance that one is assessing as opposed to racial integration in the contact or racial isolation.

Q. And I take it you and I believe Doctor Rozell tend to use the Racial Exposure Indexes?

A. Yes, and Doctor Coleman.

Q. We were talking a little bit about how these are done, [114] and I believe all your charts are done on white and non-white, is that correct?

A. That's correct.

Q. And, indeed, wouldn't you agree that, while you have got to make a decision as to how you do it, if you put your non-whites in a category rather than just having pure blacks, when you look at how blacks are distributed, you will get a different skew if you put other minorities in with blacks?

A. Well, not necessarily.

You know, up until 1981 there were—there were less than two percent other minority. I don't think it makes any difference at all on these findings and my conclusions, until the early eighties, what you do with the groups one way or the other. In fact, even at the present time there's five percent. I don't think it would make a very large difference even today.

But, if you have to combine them to express the total integration level in the district, my preference is to put them with minorities, because—for the simple reason that other minorities can't integrate blacks, you need to integrate blacks with white students, so the percent white in the school is the most important statistics. If you just



have the percent black in the school, if you have to choose between them, it would be 20 percent black, apparently integrated, or 30 percent, but, if you look and suddenly, of the whites, [115] almost all are Asian, I don't think it would be called an integrated school. So, you have to make a decision on what to do with the non-blacks.

Q. I understand.

Don't you have the flipside problem, though, if you wind up using an index that puts Asians, for example, in with blacks, you could have a school that looks to be well-integrated and, indeed, find out that what you have not is third world non-blacks in the school?

A. No, on the contrary. It's just the opposite of that.

It's the putting of them with minorities that makes it more—it is more difficult to integrate, because you are saying that only whites can integrate the black students, so it actually makes a harder case for you.

Q. I believe you said you were using Doctor Clark's underlying statistical materials in looking at things like the dissimilarity indexes and in making judgments about racial demographic patterns?

A. I'm only relying on Doctor Clark's analysis as part of input as to whether there was a residential transition going on, certainly not from my analysis of school indices. That's my own analysis.

Q. In 1980 he testified that the information he had was that there were 5400 others in the north, non-blacks/non-whites, and only 2,000 in the south.

[116] A. Is that housing data we are talking about? I suspect that it is.

Q. I suspect it is, indeed.

A. That's not school data. I guarantee you there weren't that many students.

Q. You don't have school data, though, do you?

A. What do you mean I don't have school data? I have tons of school data.

Q. Do you remember Doctor Clark indicating that the way—the place where you've got most of your 5400 folks

is along—non-blacks/non-whites is along Buford Highway, in that corridor?

A. What—do you have a document or some numbers on the population—

Q. I'm afraid I have my notes from his direct testimony.

A. We are not talking about students, for sure. We are talking about total population?

Q. I take it you would agree, if you have 5400 others in the north versus 2,000 others in the south, that you've got a few more in the north?

A. I'm looking for something.

Q. Okay.

A. If you will just give me a second here.

What year are we talking about?

Q. I was using his 1980 data, sir.

[117] A. Well, there's about 2,000 non-minority—non-black minority students in the district that year, but I have no idea where they are distributed. I would suspect that many fewer than that would be, from looking at school enrollment data over the years, would be in just that corridor.

Q. Don't you think—

A. Maybe a half. Maybe a third. Might be 500.

Q. You don't know?

A. Don't know for sure.

Q. Don't you think that the school patterns, since we are basically dealing with a neighborhood school district, would follow the demographic patterns I just gave you which is higher in the north by almost three times than in the south, Doctor Armor?

A. I just think I'm—I'm sorry. Now, are we switching away from—

Q. I'm?

A. —other minority—

Q. No.

I'm asking you whether if, indeed, the numbers I read from Doctor Clark indicate that the others are distributed almost there to one in the north wouldn't give you a clue as to where the other students are?



A. But the problem, from my analysis, is student enrollment. What I don't know from what your reading me is how many [118] students are in those schools in that corridor. I don't know offhand, and it's not in your record there, that's what would be relevant to my analysis of the indices.

Q. If, indeed, that's where you had very few blacks but you had lots of other minorities, wouldn't your indexes show exposure rates much higher as a result of those other minorities that had nothing to do with the fact that there were blacks in those schools, Doctor Armor?

A. I'm having trouble with the "If" because I know there are lots of black students in those schools in that area, Henderson, Lakeside, Briarcliff, Druid Hills, Crosskeys, very large numbers of M-to-M students.

Q. In 1980?

A. Well, I think so.

Q. How about if you just give me the "If" for purposes of the question so I can understand how these indexes work.

A. Okay.

Q. If, indeed, you have many minority non-black students in those districts and virtually no blacks, if your index includes both in the same category, won't you show a relative exposure that's much higher than the actual black rate?

A. If there were a lot, yes.

Q. Okay.

A. But I don't think that there are a lot.

Q. Indeed, Doctor Clark testified that the number of other [119] non-black minorities began increasing about 1980 and was going up from there; does that sound familiar?

A. Well, it was increasing very slightly. The student enrollment was about 2,000 in—2200 in '81, 2400 in '82.

It's about 200 student a year. It's not a very rapid or drastic increase during those years.

Q. Isn't 1980 about the point on your graphs in the Relative Exposure Index where they begin to go down again as opposed to kind of being level in the few years before?

A. No, they start going down in '77.

Q. But you get fairly substantial downs at least on the high schools between '82 and '86 on the one I'm looking at, right?

A. Yes. It's a little steeper between '81 and '84.

Q. And on the elementary—

A. But it still declining from '77 to '81.

Q. In the elementary your steepest looks to me like it's '80 to '86.

A. Well, it's declining from '77 also.

Q. But more steeply?

A. Well, a little more steeply.

Q. Okay, let's shift to Terry Mill. I believe you said that after the black schools were closed Terry Mill opened the next fall at about 70 percent black, is that right?

A. I believe something like that.

Q. Wouldn't you agree that the job that the court was trying [120] to undertake was not only to close the black schools but to insure that there was reassignment so you wouldn't have any predominantly black schools in '69? Wasn't that what they were trying to do?

A. I hesitate to try to read into what that court was specifically trying to accomplish in every school. Generally, it was trying to accomplish a geographic zoning system that would integrate all the schools into an assignment system.

Q. And you only had about five percent blacks at that point, right?

A. Total about five percent.



Q. So, if you got 70 in one school, you have got a fairly high concentration, 70 percent in one school?

A. But what's remarkable is there were only 50 percent the year before, and much—it's a case where I can imagine, unless somebody was doing more sophisticated projections and analyses than perhaps was typical at that time, that it would be—that it could be missed, and I suspect that perhaps it perhaps was missed. I'm just trying to find my numbers here, if you will bear with me for a moment.

Terry Mill was all-white with 700 students—I'm sorry, I have the wrong—no. As late as 1966 Terry Mill had only two black students in it, 590 white. Then in '67 it had 473 whites and 140 black. It went from less than one-half of one percent to 23 percent, but in '68 when the plan was [121] adopted it was a, fifty-fifty school, and then when it opened in '69 it was 76. So, it was a white school that was undergoing rapid demographic transition.

THE COURT: Where is Terry Mill located?

MR. WEATHERLY: It's right down in here.

THE WITNESS: It's right up here in this corner.

THE COURT: That's adequate.

THE WITNESS: In this corner.

THE COURT: That's, where you pointed, in the area that's almost surrounded by the city of Atlanta?

THE WITNESS: That's correct.

MS. WILDE: Right here.

THE WITNESS: Right here.

MR. WEATHERLY: That's right.

THE WITNESS: It is literally surrounded, almost surrounded by the city, and that is the, if you look at the census data which—excuse me. Well, somebody covered up my map there—

MS. WILDE: It wasn't me.

THE WITNESS: You will see it is precisely those census tracts where sort of the corridor where black expansion first began in southwest DeKalb.

THE COURT: That's just beyond the East Lake gerrymandering of the city limits, isn't it?

MR. SAMS: Yes, sir.

[122] THE COURT: That's exactly what it was. It was gerrymandered for years in the city limits so they could have liquor license.

MS. WILDE: You do that in Evanston, too, Your Honor.

THE WITNESS: There's also a very large housing project that I believe is predominantly black in this country club area.

THE COURT: That's where I am talking about, the East Lake Country Club.

THE WITNESS: That's exactly right.

THE COURT: That's what I am talking about. That's the part that juts out this way, is it not?

THE WITNESS: Yes.

MS. WILDE: That's not.

THE COURT: Part of the city that juts out like the—

THE WITNESS: That is correct. this little tip, although the country club, I believe, is up on this little projection

THE COURT: All right.

BY MS. WILDE:

Q. Indeed, that project is in the city of Atlanta, not within Terry Mill, is it not?

A. That's right. It's literally right on the border of DeKalb County, and I suspect that that could have been one of [123] reasons why this movement happened sort of in that corridor.

Q. Do you happen to know the race of the principal that was assigned to Terry Mill in 1969?

A. No, I don't.

Q. Would it surprise you if it were black?

A. I have no reaction. I have no knowledge of it.



Q. You don't? Okay.

You had talked some on direct, Doctor, about housing preferences, and I believe your testimony was essentially that blacks prefer fifty-fifty and whites, when you start getting into 10 to 20 that's more ideal in terms of white housing preference, is that right?

A. Right, the ideal some composition of a neighborhood.

Q. And what you did was take that preference information and look at the distribution and essentially, as I understood your testimony, you were saying that, given what we know about distribution, the map looks about the same as you would expect; is that right?

A. That's one way of putting it, yes.

Q. You didn't do any opinion surveys of the actual people who were homeseekers at the time you did either Atlanta or for this case itself, right?

A. The survey I used in Atlanta was done by Doctor Marks in the late sixties, and it was a—it was a racial composition [124] of neighborhood preference question of the residents of the Atlanta area.

Q. And that was the one that gave you the kind of fifty-fifty, 80-20 kind of results? That was the direction of the question?

A. That's correct.

Q. I believe your conclusion was, given those kind of residential preferences, as a rule, stable integrated neighborhoods are not likely, is that right

A. That's one of the reasons, but there are, of course, other factors besides preference that get involved in housing segregation.

Q. If stable integrated neighborhoods are not likely, then isn't is true that the only way we'll have to really desegregate schools in this country are the kinds of voluntary programs you advocate, like magnet schools?

A. M-to-M and magnets, and, where possible, there are opportunities sometimes for a new school. There are sometimes opportunities for combining schools.

But there's no question that one is restricted by virtue of the housing patterns and by virtue of geographic attendance zones.

Q. Let's switch to the combinations. We were talking about junior high schools, I think, at one point?

A. Yes.

[125] Q. And I believe when we were talking about Exhibit 185—

A. Yes.

Q. —the question you had been asked was: How can we do this in a way that will create additional desegregation? Is that right?

A. That's correct.

Q. Isn't that a fairly new approach to the way you have traditionally worked in DeKalb County, Doctor?

A. No.

I think it was pretty consistent in terms of looking at —the motivation here is primarily educational, as a lot of the boundary changes or school construction has been, just in terms of serving the student population, and the question is, if you are doing something to further—for educational or facility reasons, you take a look at whether you can do it in such a way that would promote integration.

If I characterize it as the primary purpose of the combination was for integration, I stand corrected in that, because it's a consideraton to look at when one is making changes in school arrangements or zones and what have you.

Q. And it was a prime consideration in your selection of these schools for purposes of these charts, right?

A. I'm sorry, now. I'm a little bit—my prime reason for selecting these schools, is that what you are asking me—

Q. Yes.

[126] A. —was because the only parts of the district that are available for combinations like that for integration is in the central part of the district.



Q. All I'm saying was that you were collecting selecting the combinations for integration, right?

A. I was trying to see if I could combine them in a way to produce a stable, since we are going to have combinations anyway, if I could do it in such a way that would produce a stable integrated school.

Q. Now, what is the projection for the district racially in 1989?

A. The total district?

Q. Yes.

A. I'm sorry, I don't have— what I have here, I don't have a sum, I don't have a total.

Q. Well, the reason I'm asking you, given the kinds of projections I'm seeing in some of these high schools, it looks as though you are projecting somewhere in the neighborhood of 55, 60 percent black at least by 1989 on these projections.

A. I don't think so. You mean for the individual schools?

Q. No. I'm talking about system-wide.

A. System-wide? Just a minute.

I would say probably by '89 about 56 percent minority at the high school level. I think you were a little high, but—

[127] Q. I thought I gave you 55 to 60.

A. I'm sorry. By '89, unh hunh.

Q. So, given that, something like Avondale/Shamrock combination is a 58 in 1989, would pretty much approximate the distribution in the district?

A. Well, that's—that may be, but that wasn't what— what I was trying to accomplish—

Q. I understands.

A. —was a school that would not be majority black. I wasn't guided by the district-wide trend, because, in fact, that may continue to be more minority, but that wouldn't

be the guidance for how you would combine schools to produce stable integration. That's a racial balance approach, but that wouldn't be the optimal approach for promoting integrated schools.

Q. When you put this together, I take it your premise was that you would do no alteration of any of the attendance lines in any of the existing high schools, right?

A. That's correct.

Q. So, if you talked about redrawing boundary lines, particularly redrawing some of them north, it may be that you could alter some of the racial compositions in the projections you have got here in front of us; isn't that right, Doctor?

A. I would say—I did not look specifically at that intent, but I would say if you were trying to do that, I think [128] it would be difficult to do that without a tremendous amount of change just because of the demographics of that area and the projections.

Q. We are talking about districts that you would be heading further up north in, right?

A. I specifically did not consider a wholesale redrawing of all boundaries to accomplish this. The question is can we combine schools that are adjacent to each other? I need to get back to the high school.

Q. Right.

So, for example, Clarkston, which is 25 percent white here, there's ways of drawing that in areas that are heavily white at this point, aren't there?

A. Yes. But what—you see, what you want to do with Clarkston, the projection here is a fifty-fifty school by '89, so actually, you know, you don't need—this is a crowded—this is completely at capacity. You don't need to do a bunch of redrawing of boundaries if you plan ahead. You have a white—predominantly white area at Shamrock which is mostly white, these are M-to-M students, this is predominantly resident students, black students, you know, you can accomplish integration by a



combination that is consistent with what the district wants to do throughout the area. You don't need to do boundary changes in that event.

Q. Well, but, Doctor, if you do that, if you do Shamrock and [129] Clarkston, aren't you, in essence, writing off the racial composition of everything below?

A. Well, I'm not writing it off. I'm dealing with the —the problem is there simply aren't areas that have enough whites on a long-term basis to integrate by this method these schools. It's a practical problem.

Q. And—

A. It's not writing them off. One would ideally like to have all schools integrated, but there are some geographic and demograhpic facts that you can't ignore—

Q. But can't you—

A. —that dominate—excuse me—that are driving or dominating your considerations of alternatives.

Q. All I'm saying is aren't there ways, for example, of drawing on Clarkston or Shamrock?

You have got fairly small number of whites as you had east and you also have got some areas where you could use some relief.

Aren't there ways of drawing the boundaries so you can give some desegregative relief to Towers and Avondale as long as you don't stay within the boundaries of the current high schools?

A. Well, when you say "give them relief," I mean, remember, all these percent at Briarcliff, at Druid Hills, Shamrock, Lakeside, Henderson, Crosskeys, and that's going north, are [130] giving relief to these students by having a white—predominantly white school that they are integrating.

Q. But not to the students who remain in their home schools?

A. No. And that's going to be—there's no practical way that one can integrate most of the students left in these home schools without—without a comprehensive

mandatory cross-county bussing program. There simply isn't any way way to do it.

Q. All I am saying, some of these home schools, there are ways of drawing district lines differently that would create some level of home school integration without writing off those districts?

A. You know, it may look like that to the eye, but I evaluated two attempts to just redraw boundaries, involved one attempt of about six schools, and one attempt of about nine schools. That was the rainbow and—I literally, I didn't do it, but they did it, they tried to redraw boundaries to get more integration at Redan other than Miller Grove, and both of them failed.

When you say I can redraw boundaries, you really have to sit down and try to do it. You may be able to do it, or you may not be able to do it.

Q. And were you—

A. I have done that in the past, and it hasn't been successful.

[131] Q. And we are, indeed, not at that stage, in the litigation, Doctor?

A. No.

Q. We are not drawing up plans?

A. I am trying to evaluate the possibility of junior high combinations, because I know it is something that the district is contemplating.

Q. And, indeed, those blacks who are, indeed, getting some relief, that's only by getting on busses, is that right?

A. They are riding busses to the receiving school.

THE COURT: Some of those are.

MS. WILDE: Most of them, Your Honor.

THE COURT: Some of them.

MS. WILDE: Yes. The M-to-M are.

THE COURT: Yes.

MS. WILDE: And, indeed, we do have exhibits on the number.

THE COURT: But there are some exhibits that go back several years that show those orange areas were



orange at a very early stage up and down that western border, too.

MS. WILDE: Your Honor, I don't have those. They are certainly in the record. I don't have them in my—

THE WITNESS: You mean resident blacks, sir?

THE COURT: They were yellow over there.

MS. WILDE: Well, Your Honor, yellow is ten percent, [132] and this is—yes, we have got one district that is ten percent, and it is very small.

THE COURT: No question, but they were there.

MS. WILDE: A few.

THE COURT: They were there ahead of time.

MS. WILDE: Yes. The M-to-M is not the total—

THE COURT: That's right.

MS. WILDE: —but there is indeed a substantial portion of the blacks in those districts.

THE COURT: The only point I am talking about is not everybody is bussed into there.

MS. WILDE: That's right, Your Honor, that's right.

THE COURT: All right.

MS. WILDE: I think I have about two more areas, Your Honor. I didn't know whether you wanted to take a break or me go ahead and finish.

THE COURT: You can go ahead.

MS. WILDE: Okay.

BY MS. WILDE:

Q. Let's switch gears again and talk a little bit about Singleton.

What is the Singleton Standard, Doctor Armor?

A. As best I recall, it's to have schools be substantially similar to the district-wide—the school faculties be similar in racial make-up to the district-wide percentage.

[133] Q. And what was the reason conceptually for the development or the importance of the Singleton Standard?

A. It was basically to integrate the faculty at the same time that you were racially integrating the schools.

Q. And to cut down—

A. And dual school systems, the faculties of a black school were all-black and of white schools all-white, so this came out of that era where one was trying to integrate faculties.

Q. And also to decrease the facial identifiability of the school by reference reference to faculty; isn't that right as well?

A. Well, I think racial identifiability is frequently another way of expressing a segregated faculty.

Q. What would compliance with Singleton be?

A. That's a difficult question.

As I said, because there is no single constant interpretation of that, the word "substantial," you see standards and definitions of all types, and, of course, there are very, very substantial educational reasons and school management reasons why you must have some flexibility.

When I was in Los Angeles there was a junior high school, when I was on the Board, that had—was right at the—L.A. was a plus or minus ten percent. You could go from 20 percent to 40 percent minority, because that was our—minority faculty, and there was a junior high school that had [134] exactly 20 percent, and it had lost a math teacher. There were no minority teachers in the district available who were math—in the math program. So, they had to use for several years a substitute teacher to teach math at the seventh grade level, because to hire a teacher, to bring in a regular teacher that had a math background would put them at 19 percent.

That's just an illustration of the difficulty of managing faculty, because you don't have a uniform distribution of teaching skills in areas by race. If you did, there wouldn't be as much of a problem, but you don't, and, if you don't have some flexibility, you end up doing some very, very strange and harmful educational practices just to make a racial balance.

Ironically, at this junior high school was 50 percent minority because of the voluntary bussing program, so



minority students were being deprived of a seventh grade math teacher because of an arbitrary rule that says that you can't have 19 percent minority faculty, even though you can't find a replacement for your math teacher, so you could stay within the compliance.

Q. I take it none of the courts have been trying to cut teachers in half when you sets standards?

I mean plus or minus one teacher is about as low as the Singleton compliance standards go; right, Doctor Armor?

[135] A. I don't know of an actual case personally. Most of the cases I know of are more like plus or minus ten, sometimes plus or minus five, sometimes plus or minus fifteen. They certainly do vary all over the place.

Q. Where did this broad and narrow standard that you are using originate?

A. Well, it is an attempt to reflect the fact that nationwide there are different standards that have been used and adopted and approved by courts as complying with the Singleton concept.

Obviously, you can find cases to support a very liberal standard. You can find cases to support a narrow standard. I just took two—

I would say going much below the narrow standard is, again, very, very difficult to maintain managing your teacher force. I'm not saying it couldn't be done, but it would be very difficult.

Q. I take it you have not specifically looked at of the Fifth and Eleventh Circuits to determine what those ranges are? That was not your consideration?

A. I'm just familiar with generally there's a wide variation of what the standard is nationwide.

Q. I believe you testified that it was, I believe your word was it was perhaps novel to have a different standard for elementary than for high school?

[136] A. Well, I'm not aware—I can't point to a case where there has been—I'm not saying there isn't a case where it's different, but I can't think of one. It

makes a lot of sense to me from a statistical point of view, given the sizes of the faculty.

Q. Aren't elementary school teachers, because of the way they do certifications, somewhat more fungible commodities than high school teachers in their specialties, Doctor?

A. Well, yes, but now you have all this growth of specialties. Specialty is the name of the game in education today. You have all kinds of specialists at the elementary level. They are all going to come under the faculty proportion rule.

So, maybe 20 or 30 years ago they were fungible, but they are less and less fungible these days, especially for specialists that may be very disparate racially. And remember a change of one teacher in the average DeKalb County Elementary School is a three percent change in the racial composition of the school.

Q. Let's get do that.

DeKalb County has about 30 elementary school teachers per school, is that correct?

A. 29 to be precise.

Q. So, we are talking about three percent a teacher?

A. 3.3, three and a third per teacher.

[137] Q. If we use this plus or minus 15 percent standard, we would have a 30 percent spread, right?

A. Well, I believe—just a minute.

Q. Isn't 15 above and 15 below 30 points?

A. Yes. the spread would be, if you adopted a broad standard, 13 to 43 percent.

Q. And how many teachers would that spread represent? Do the math with me. Isn't it somewhere in the neighborhood of nine or ten?

A. Let's see. Yes, it would be—well, let's see. I don't want to—I see you have done the math, but I didn't.

Q. I didn't use a calculator. Feel free.

A. It would be—it would be nine teachers.

Q. So we are not talking about having one teacher off? We are talking about a 30-point spread where you



could have nine fewer blacks than the maximum or nine more blacks than the minimum and still be within your definition of a broad standard?

A. I wouldn't want to be misunderstood here. A standard has to have an upper and lower limit. That doesn't mean that the goal would not be to attain as close to that standard the actual as you could, but there will be a variance, a distribution around that.

So I certainly would not recommend or expect a district in practice to put everybody at the lowest and [138] highest ends. That would be—if your goal is to try to hit the average, what would happen, then, is that there's some variation around it. In fact, in DeKalb County, it does. Most schools cluster right around plus or minus a couple of percent, but then there are these tails of the distribution. That's the question. You have got to cut it off somewhere, and it doesn't mean to imply that you would let the rule operate in such a way that everybody could be either at minus-15 or a plus-15 and nobody in between.

Q. And, if you were doing plus or minus ten percent, that would be a 20-point spread, that's somewhere in the neighborhood of six, maybe seven teachers, somewhere in there?

A. Probably six teachers, yes, at the maximum and the minimum.

Q. So you could be as—from the lowest to the highest, there's a difference of six black teachers?

THE COURT: Or white.

BY MS. WILDE:

Q. Or white teachers?

A. Or white.

Q. Indeed, when you—I think I have lost which exhibit it was, but when you did this exhibit with the number of schools that are out of compliance and you have next to it the number of teachers needed to shift—

A. Yes.

[139] Q. —that doesn't represent number of teachers to get to Singleton; it's just number of teachers to get within that six-teacher spread?

A. That's correct.

Q. Now, my numbers at the high school that we have got is about 65 or 67 percent teachers at the school, is that right?

A. It's closer to 70, I think.

Q. Shall we use 70?

A. Yes.

Q. So, if you have got a plus or minus ten percent spread on high school teachers, how many teachers are we talking about?

A. About seven. No.

THE COURT: Fourteen, isn't it? Sever in each direction.

THE WITNESS: I'm sorry, 14, yes.

BY MS. WILDE:

Q. So, again, you've got a tolerance range that from beginning to end you could have a 14-point spread in there, a 14-teacher spread?

A. Yes.

Q. And, again, on this exhibit, you are saying the Columbia would need to reassign three teachers to even get within that 14-teacher spread, is that right?

A. Columbia would have to assign—I'm sorry, I lost you. Columbia would have to assign three teachers.

[140] Q. To get within that 14-teacher spread?

A. That's the narrow. Remember the narrow standard is plus or minus five percent.

Q. Which is the—that's the seven, is that right, half?

A. That's seven.

Q. So it would have to reassign three teachers to get within that seven teachers?

A. To get down to—to get below 32 percent.



Q. Right.

It would have to reassign more than that in order to get to Singleton?

A. To Singleton exactly, yes, it would be more.

Q. More like five or six, at least?

A. Right.

Q. Have you done any look at the turnover in these schools, Doctor Armor?

A. I have seen some turnover numbers, but I have not done any detailed analysis of it.

Q. Wouldn't you expect that if you have high levels of turnover in schools, then you would have more opportunity to change your Singleton balance without creating the kind of administrative nightmare problems you had in Los Angeles?

A. We have high turnover in Los Angeles, and we still have a problem, because, remember, the problem is, whether you assign or not, you have to find teachers that are willing to teach [141] there and not go somewhere else, and in the midst of a teacher shortage, which we have nationwide today, it is a very, very difficult task to impose a condition that a teacher does not on their own want to do, very difficult.

So, turnover, you might say it gives you an opportunity, but the fact that it exists tells you something about the difficulty of maintaining a stable faculty at that school. It is a double-edged sword. Because you have the opportunity to assign a teacher does not give you the guarantee that when you make that assignment the teacher will, in fact, go or be willing to come to your district and teach in that school. It's a problem Los Angeles has.

Q. Indeed, you would agree with me the turnover, high turnover, is an indication that there's something going on in that school that means teachers are not as interested in going or staying?

A. It is fairly well established that it is more difficult to maintain a stable faculty at schools that are predominately minority. It is true nationwide.

Q. Columbia —

A. White teachers.

Q. Columbia I show as having 22 positions filled in 1986 out of its perhaps 67 or 70, and, yet, we still have it at three below even your plus or minus seven teacher range. Doesn't that—

[142] A. It may very well be a difficult school to recruit for, quite possible.

Q. And I take it one of the other things this chart shows is that, indeed, you have got too many blacks, black teachers, in the black schools and too many white teachers in the white schools? That's the direction of the racial skew?

A. Only in the small number of schools that are—that are badly skewed. There are slightly more, yes, but it is not an enormous difference.

Q. So that, indeed, at Columbia, what you would be trying to do is attract more white teachers, which are predominant teachers in the teaching force and the ones who are easier to hire, right?

A. Yes.

But also having more choices available to them and more difficult to recruit, I mean, if you impose a condition of the assigning the school.

Q. You talked a little bit about incentives to try to help teachers stay in place so you have less turnover and less Singleton problems?

A. Financial incentives, yes.

Q. You said that helped some when you used them in Los Angeles?

A. It has some—I think we can—we could attract some younger teachers, but it was still difficult. It wasn't — [143] and those teachers, speaking of stability, the teachers—it isn't the permanent commitment. It's, I believe, it's a two-year, if you want to stay in the district, a two-year commitment or three year commitment, and those teachers try to transfer out at the end of that



time, so you may—the incentive may help a little bit, but you have that turnover problem again.

Q. I take it there are other incentives that could be developed to try to both change the situation within the schools and make it more desirable for the teachers?

A. Oh, yes. We do that, too, in Los Angeles.

Q. And what are some of the things you could do along those lines, Doctor Armor?

A. I think they are done here as well. I think compensatory programs and special programs, making the—keeping the facility nice and attractive.

Security is important, having a place to park their car. Damage to automobiles was, at least in Los Angeles, I don't know of this specifically in DeKalb County, but automobile damage claims in certain parts of Los Angeles were just extremely high. We paid hundreds of thousands of dollars because teachers' cars would be damaged, either theft or broken into or just sometimes vandalism, and it was a chronic problem, and it's another one of those things that, of course, makes it difficult for a teacher to stay.

[144] It is not a simple problem to solve.

Q. I believe another thing you testified about was that you had taken a look at some of the exhibits done by Doctor McMillan of the school system and also used by Doctor Walberg, is that right?

A. Yes, I believe so.

Q. I believe you testified that one of the things that they do is illustrate the relation between race, academic performance and S.C.S., is that right?

A. Yes.

Q. Let me show you Defendant's 117 which is "Free and Reduced Lunch Programs for Blacks and Whites."

A. Yes.

Q. Doesn't one of the things that that exhibit shows you is that even when you control for S.C.S., meaning have the people who qualify for low and reduced lunch—

for free and reduced lunch in both categories, whites still do better?

A. Well, it doesn't say—it doesn't say what you just said it says.

Q. Well, you—

A. You just said that you controlled for socio-economic factors. All you have controlled for is poverty—a poverty definition.

Q. And that's the only definition we have got going in the school system records, isn't it?

[145] A. Exactly.

But you don't want to mistake the fact that because you have controlled for free lunch status that you have controlled for the total cluster of variables that I refer to as family background and socio-economic background, because there's a whole series of characteristics that would also—I could have black students not on free lunch and white students not on free lunch and still have vastly different socio-economic differences between those two groups. In fact, there probably is.

Q. But here in terms of people who are participants in the program, that is a rough measure of S.C.S., would you agree?

A. It is a measure and it's better than not having it at all, but it's only a partial measure of S.C.S.

Q. And on that partial measure whites are still doing better than blacks?

A. Its suggests there is still socio-economic differences you haven't controlled for yet that are causing that difference.

Q. Or perhaps there are racial differences that transcend S.C.S.? Isn't that another possible interpretation?

A. There are some who believe that. I happen to believe that the predominant factors are a family background, in addition to free lunch, which is a good variable, but certainly not the totality of socio-economic status.



[146] Q. We don't always get totality in social science research, do we, Doctor?

A. No, expecially when you are using available school records.

Q. One of the things that is happening in these exhibits is I'm seeing differences in gains and percentiles.

I take it you would agree, would you not, Doctor, that to go four points between, for example, 38 and 43 is not —well, it's easier going—the lower you are, if you start in the thirties or forties, that there's a larger gain than if you start at the fifties or sixties?

A. The percent knowledge changes different. There's a difference in an absolute gain versus a percentage gain.

Q. If I have a four percent gain between 39 and 43, that wouldn't be any different than a three percent gain between 53 and 56?

A. Well, that's a very difficult question and a very difficult—you have to make a lot of assumptions before you can say that you should be measuring on a percentage basis.

On most standardized tests that corresponds to four questions, let's say, four five questions. Is it harder to get five more questions right when you have answered 60 percent of them right or 40 percent of them right? It is not clear that the percentage change model is the right one for learning.

[147] I could defend the absolute gain as well as the percentage again, particularly in the middle range of the distribution.

Q. But, again, if you have somebody going from—somebody going from 35 to 45 is not the same as someone going from 70 to 80?

A. Like I say, it depends upon your definition of what gain is. I'm comfortable saying that is equivalent educationally. Each person has gained five points.

Q. But there was further to go, if you started lower, and once you get close to the top it is harder to make a difference?

A. Yes, when you are at 95, yes, but at 70 you have 30 points to go.

Like I say, when you say that it is harder, you are now imposing a model of learning which may or may not be true. It may not be any harder to—

Q. I am just trying to assess these graphs.

A. Well, I just don't want to agree sort of automatically or on prima facie grounds that it is harder to gain five points when you are a little bit brighter than it is to gain five points when you are a little bit slower. Other educational models might be quite the contrary.

If the difficulty you are having, you are scoring 30, it might be harder for the person who is low and has a [148] lower pace of learning to learn five more questions than a person who has higher levels of learning or higher learning levels. It just depends upon the precise educational model or learning model that you are using.

Q. So at least we can agree you shouldn't put a whole lot of weight on the difference between three or four points when one is in the fifties and one is in the thirties?

A. Well, I didn't say that either. I don't agree with that. It's still a gain.

Q. Whatever the gain means?

A. Well, it's a gain.

THE COURT: Well, the percentage of gain or percentile doesn't transfer into numbers or points or numbers of questions, does it? On the bell-shaped curve in the middle five percentage points may just be one question, whereas out on the outer limits of the curve it may take many questions to make a—

THE WITNESS: Other way around actually.

THE COURT: Other way around, the converse of it.

THE WITNESS: In the middle range its approximately true. When you get out to below the 20th percentile and above 80th percentile, you start having a major difference, but I think in the middle part of the ranges it is roughly equivalent. If I had a normal table



here I could look it up, but I don't think it is terribly different.

[149] BY MS. WILDE:

Q. Staying within the realm of achievement, but switching slightly to another topic, Doctor, I believe you said one of the things the panel concluded, that was looking at desegregation and educational achievement, was that there was no specific impact of desegregation on black students' achievement, is that right?

A. Well, the panel, that was my particular study. There were seven papers submitted and one overall summary paper, and some said there was no effect. The overall summary paper written by Dr. Thomas Cook said there was a very small effect.

Q. Isn't it true that there really weren't educational enhancements built into most of the school desegregation decrees in the first place?

A. I think on the contrary, I think generally speaking desegregation programs are usually accompanied by educational improvements at the same time, as a rule.

Q. Programs mandated in the decree or—

A. Well, usually just as part of the overall transformation of a district. I suspect there are those that just do racial balancings, but usually there's much more than that. There's in-service race relations programs. There are—it is not uncommon to have compensatory programs at the same time that you are implementing this. Of course, the hypothesis being tested in that study was precisely: does desegregation by [150] itself have an independent effect?

Q. And, so, that's what—

A. That's what we were testing. That's right.

Q. I obviously didn't ask the question the right way. Thank you.

What do you believe that the remedy in a desegregation case is supposed to accomplish, vis-a-vis, achievement?

A. Well, this is—it's a good question and a complicated one, because, if you go back in—I think if you go back into the history of desegregation, I think there's no question that the original purpose of this was to accomplish an improved educational outcome for minority children, and black children in particular. I think that's certainly true in much of the psychological theory and evidence that has been submitted and testified to and even referred to in many court decisions. So, I think—and for social scientists it certainly has been a prominent.

I think improving educational outcomes for children has always been a strong objective, you might say, of desegregation.

Q. So, what, in your view, have been the benefits or successes of desegregation efforts over the past 20 years?

A. Well, I think they have done a lot to increase desegregation, but we haven't been able to show that it has [151] specifically impacted on the educational process. Certainly social process and certainly the mere fact of integration, which we all as expire to and believe in, I do, has been furthered, but we have not been able to translate that into a specific impact on achievement outcomes.

Q. Isn't it true that part of what desegregation was designed to do was also to equalize distribution of resources, quite apart from the achievement issue?

A. Well, I think that it wasn't apart; I don't think it was ever apart. I think a view of the world at that time, especially when Doctor Coleman began his study, was that it was the unequal distribution of resources that was causing lower outcomes for black children than white children. So, there was a conception that tied resource distribution to educational outcomes, and most investigations and goals and hopes at that time were hinged upon if you change—resources weren't equal and, if you change the resource distribution, you would improve the quality of the outcome.



Q. Weren't you also trying to get some measure of racial justice in terms of having equality of distribution?

A. I think there's certainly value in that, and I think that's always also a part of it. I think the underlying objective ultimately has been to maximize opportunities and outcomes.

Q. Doctor, have you done any study or any check in terms of [152] what more you think DeKalb County can accomplish in the areas of resource distribution or even remedial programs?

A. I have not done any intensive study or any detailed study of that, of that issue in DeKalb County.

Q. I take it among the voluntary programs that you would advocate would be, indeed, remedial programs for black students?

A. Oh, I think most of the school districts do these days offer special educational programs to not only minority children but any child that is, let's say, performing before average levels on achievement.

Q. But specific remedial programs for black students are, indeed, part of the kinds of remedies you would advocate as part of your—

A. I advocate those kinds of approaches.

MS. WILDE: I think I'm almost finished, Your Honor. That's all I have.

THE COURT: Let's take our afternoon recess for 15 minutes.

(Recess)

MR. WEATHERLY: I have no questions, Your Honor.

THE COURT: Well, have you covered everything you will need with this witness before this case is over?

MR. SAMS: Only for the direct.

THE COURT: All right.

## OPENING STATEMENT OF MR. SAMS

* * * *

[7] We have added a broad overlying factor to those also, Your Honor, which we have termed quality of education which really permeates throughout all those other areas but simply speaks to how well a school system is operating in the process which it is all about, learning.

And so our testimony, Your Honor, will be roughly in those six areas and a seventh area which we call quality of education.

We attempted, Your Honor, to present this evidence to you in very clear segments, but as we got into it we found there is a great deal of overlap, as one would expect. But, your honor, we would like to present evidence, and we would like to state first that we are very proud of our school system in DeKalb County.

We consider ourselves to have a high degree of excellence. We consider ourselves to have a number of professionals who motivate themselves and motivate children for learning.

We are in a situation of continuing to enervate learning processes in DeKalb County. We feel we are on the front edge of that type process in this state and in the nation.

* * * *

## TESTIMONY OF WILLIAM FERGUSON SIMPSON

* * * *

BY MS. WILDE:

[147] And that wouldn't be true of someone who was just internally going to their own home school?

A. That's correct.

Q. Your intrigued me a little with the discussion of drivers. You said that routes are by longevity and where you reside or work tends to play a large part?

A. Right.

Q. What does that do to the racial composition of your driving force? Doesn't it mean that you tend to



have white drivers in the write school districts and black drivers in the black school districts?

A. We are about 40 percent overall in our black population as far as drivers are concerned.

We do have—I don't know the exact percentages in the black schools, white composition, the black-white composition of the drivers, but we still have a lot of white drivers in the southern part of the county which is our predominantly black area.

Q. And you don't have any figures on the breakout?

A. No, I don't.

Q. How about M-to-M? Isn't the M-to-M bus force predominantly black?

A. It's about 80, approximately 80 to 85 percent.

Q. And we are talking about the race of the drivers?

A. Right.

* * * *

## TESTIMONY OF FRANKLIN DEAN GRANT

* * * *

[232] BY MR. GRANT: Art, music or P.E.

BY MR. SAMS:

Q. So most teachers hold all three?

A. No.

Q. Hold one of the three?

A. Yes, ma'am.

Q. So in terms of fungibility of teachers in terms of their teaching certificate, you have got about a four grade range in terms of where you can assign them based on their certification?

A. Yes. Unless they hold the one through eight.

Q. And then you have an eight grade assignment kind of fungibility. And that's different than in high schools, is it not?

A. Yes. The fields are more specialized, such as a Spanish teacher can teach Spanish.

Q. And may have a hard time with German?

A. Yes.

MS. WILDE: One moment.
Nothing further, Your Honor.

* * * *

TESTIMONY OF BOBBY NELSON STEPHENS

* * * *

[32] BY MS. WILDE:

Q. I believe one of the issues you raised in terms of resignations was travel time; is that right, sir?

A. Yes.

Q. And what would you say the total travel time is from any point in the district, 40 minutes or so?

A. It would depend on wrecks.

This morning I tried to get from, I tried to get from my home in south Dekalb to our office, our district office. I went I-20 to 285. I couldn't get off I-20. On a normal day, I could drive to north DeKalb in 20 minutes would be a breeze if there's no wreck, but I can't predict what day or days there will be wrecks on the expressway.

So it could vary from 20 minutes to two hours getting from my house to a north DeKalb school, could vary considerably.

Q. That would be just as true in Gwinnett with a wreck, wouldn't it, sir?

A. Yes. Yes.

Q. You don't do any reassignments of teachers for Singleton purposes, do you?

A. We have not made a practice of forced reassignments to meet the Singleton at this point, no.

Q. And that hasn't happened at least in the last four [33] years of your tenure: is that right, sir?

A. No.

Q. Are you familiar with the court order in this case, sir?

A. Yes.

Q. Do you remember in 1976 there was an order concerning faculty?



A. Yes.

Q. And I would like to read you a couple paragraphs of it and see if it sounds familiar.

"Two reasons were supplied by the associate superintendent for community and staff relations to explain the higher concentration of black teachers in more predominantly black schools. One, teachers living near those schools preferred to teach near their homes. Two, principals desired to have teachers who were the same race as most of the students so students have someone to relate to. Involuntary transfers are rarely used to alter the distribution of teachers in the individual schools."

Sound familiar?

A. Yes.

* * * *

TESTIMONY OF ROBERT L. TUCKER

* * * *

[65] THE COURT: I think you said 47 percent, but Exhibit Number 41 shows 41 percent.

BY MS. WILDE:

Q. Terry Mill I have got at 47 percent from the teacher tape.

Now, again, one of the ways you try to deal with that would be as you turn over teachers, right?

A. That's correct.

Q. I show June '86 forward, number of positions filled in that school as 12. That sound familiar?

A. Yes.

Q. And eight of those were white and four were black, and so you have still got a skew, right?

A. That's correct.

Q. So you had 12 teachers turn over, but you still, at the beginning of the '86 school year, you are at 47.

A. (Nods head affirmatively).

Q. Now, this isn't the first year you have had problems with Austin, right?

A. No, it's not.

Q. I show you had 13.8 percent in '85-'86 at Austin. Do you have any reason to disagree with that?

A. No.

MR. SAMS: Can we identify what time period, Your [66] Honor? Are we talking about mid year or beginning of the year or end of year?

MS. WILDE: My stats are from your teacher tapes.

MR. SAMS: What time?

MS. WILDE: This is '85-'86.

MR. SAMS: Do you know what time during the year?

MS. WILDE: They are your tapes. My guess is September.

BY MS. WILDE:

Q. So this is a problem you have had over time, and it's been persisting over time?

A. (Nods head affirmatively)

Q. Right?

A. It's been there, yes.

Q. As a matter of fact, Austin which we just said was, we also had a problem in '85-'86 who was at 13.8, shows June 10th, 1985—again, this is Exhibit 35 which shows your turnover in any year, I show Austin having nine positions filled during that school year.

A. That's correct.

Q. And you still wound up after filling nine positions with a 13.7 percent?

A. Let me elaborate on that, if I may.

That is the year that we closed a school, a nearby school, one of the neighborhood schools, and if you will [67] recall, I said earlier that we placed students where we have space, classroom space.

We had space at Austin, and we made the move of the students and the teachers, and we also moved some minority teachers from the closed school to Austin also, so we—



Q. Well, let's talk about Hightower. Did that have the same situation going on?

A. No.

Q. I show 12.5 percent in '85 which is again substantially below 27, 15 points off, about; is that right?

A. (Nods head affirmatively).

Q. I show you under Exhibit 35 as having eight new positions filled, and you still are only at 15 percent in September '86. Any reason to disagree with that?

A. No.

Q. Same thing at Sky Haven. I take it you didn't have a school closing that you moved anybody into Sky Haven.

A. No, I don't think I did.

Q. I show you in '85 at being off at 39 percent. In '85 filling 13 positions between school years and going up to 40 percent in 1986. Do you have any reason to disagree with that?

A. No. Let me make a statement there if I may.

I would ask you to remember that we have [68] approximately 70 percent from the teacher pool, 79 percent white, 30 percent black, meaning that most of our teachers are white, and 30 and 70, when you try to go 50-50, it creates a little problem.

Also you must remember that teachers are basically distributed north and south by race. Consequently, it's a little more challenging to meet those requirements, because, as I have said, we always make an effort to do that.

Q. Isn't 13 teachers a fair amount of leeway to try to correct a Singleton imbalance?

A. Yes, it is.

Q. And you still—and you wind up increasing by .5 percent despite 13 replacements?

A. (Nods head affirmatively).

Q. Again, Wadsworth. I take it you didn't have any school closing in the area of Wadsworth?

A. No, we didn't.

Q. I show you in '85 as having 41.7 which is again outside even a ten percent, filling seven positions and still being at 40 when you open in September '86. Any reason to disagree with that?

A. I do not disagree with that.

THE COURT: This '86 document I am looking at shows Wadsworth at 70 percent, at 70 percent and 30 percent.

MR. SAMS: Your Honor, if I might explain, I was [69] just told that our teacher tapes are mid year, February and March, and so what you have are figures at the beginning of the year.

What Ms. Wilde is going from are statistics coming from the the middle of the year that takes place mid year, resignations or terminations.

That's the confusion, I believe.

MS. WILDE: Your Honor, we have had terrible problems with trying to match these numbers, and counsel have done their best to try to do that, but I do have a stipulation to the accuracy of the numbers I am using.

THE COURT: He is not challenging that now. He just says it's a different time period.

All right.

What I have, I have no way of knowing what the date of it is. It just says 1986. I don't know whether it's January 1986, school year ending '85-'86, or school year beginning '86-'87. It just has '86 at the top of it.

MS. WILDE: I understand, and that's why I will get you an exhibit by tomorrow morning, Your Honor.

THE COURT: All right.

* * * *

TESTIMONY OF MARY DURR

* * * *

[156] BY MS. WILDE:

Q. Indeed, there is virtually no white participation in M-to-M; isn't that right?

A. Very few.

Q. Under two percent, right?



A. Well, I'm not certain about that.

Q. Indeed, basically what happens is that the students, the M-to-M students transfer from the majority black schools into those schools which already have some kind of racial balance, the whole middle zone; isn't that right?

A. Well, if you are talking about what happens now, yes, but I would imagine when it started several years ago that was not the case.

Q. For example, lakeside is one of your high M-to-M, and that's 43 percent, right, and Shamrock is also one where you are coming up. You had 302, according to this chart, in 1986; is that right?

A. I'm sure that's correct.

Q. And Henderson is beginning to be a larger M-to-M area. There are 400 in a 28 percent school?

A. I'm sure that's correct. I'm not looking at the figures.

Q. I'm using your exhibit.

A. Okay.

Q. But where you don't have much activity is up north, or [157] you don't have much M-to-M activity at Tucker, Stone Mountain or Stone Mountain II, do you?

A. Well, I believe this past year during open enrollment period was the first time Stone Mountain had been an option for several years, but in terms of the selections that parents make, it's a volunteer program, and parents do that.

Q. I understand that.

Stone Mountain I and II together only have 11 M-to-M students according to this chart.

A. You mean for the next year?

Q. For last year.

A. I can understand that, because neither school was open to accept M-to-M students, so obviously those students were M-to-M in the neighborhood elementary school.

Q. Well, Clarkston had only—

A. Clarkston was not on the list last year.

Q. It had 51 students.

A. Well, we have enrolled 51 for '87-'88, but for last year, I believe Clarkston was not an eligible school. I'm almost certain it was not.

Q. I'm dealing from your list.

THE COURT: When you say it was not eligible, do you mean because of—

THE WITNESS: Because of the capacities.

THE COURT: Pupil-teacher ratios?

[158] THE WITNESS: No. The building capacities.

THE COURT: The building capacities.

THE WITNESS: So the 51 that you are referring to I believe is what happened during open enrollment period of this past year for the '87-'88 school year. That's the 51 that's showing there.

BY MS. WILDE:

Q. Among your most popular M-to-M schools were Druid Hills and Briarcliff, right?

I have 478 students in Druid Hills under your 1985 figures. Does that sound about right?

A. It does.

Q. Out of 938, so half your population is M-to-M, right?

A. That is probably true.

Q. And, again, Briarcliff, you had 336 M-to-M in '85 out og 576 students, so Briarcliff you have got more than half M-to-M.

A. I'm sure that happened, because perhaps the indigenous population decreased.

Q. But they are very popular M-to-M schools in that middle region?

A. Yes, they are. And, of course—yes.

Q. And they have just been combined, haven't they?

A. Briarcliff and Druid Hills, yes.

Q. There's no M-to-M available seats for next year?

[159] A. At Druid Hills?

Q. (Nods head affirmatively).



A. When you are speaking of next year, you are talking about '87-'88?

Q. I believe the system stipulated that there is no M-to-M seats available.

A. Right. Because we moved the regional special programs to Druid Hills. There were no seats available.

MR. SAMS: Your Honor, let me correct a stipulation. The stipulation is no M-to-M seats available, but the reason is because it's a 50-50 school. You can't have M-to-M regardless of the capacity of the school. Druid Hills and Briarcliff are cut off because they are 50-50.

THE COURT: The stipulation was that it is not an eligible M-to-M school?

MR. SAMS: That's correct. Your Honor.

THE COURT: All right, sir.

BY MS. WILDE:

Q. Had there not been a combination, it looks to me as though you have 44 percent black at Druid Hills; is that right?

A. I'm sure that's correct.

Q. So you still would have had some M-to-M capacity there but for that combination?

A. I don't know, because, again, it depends on the special [160] limitations, so I'm not looking at the figures.

Q. If you are going to consolidate a school, I can't imagine you have got special limitation, can you?

A. To a certain extent, yes.

Q. You don't—never mind.

The system relies on M-to-M as its major desegregative vehicle; isn't that right?

A. That's one of the major tools, yes.

Q. Are you familiar with the 1980 report to the court by the Bi-racial Committee which said, and I quote, the majority to minority program is not and cannot be thought of as the vehicle for desegregating DeKalb

schools and therefore continue to urge the school administration and Board of Education to seek other viable alternatives to desegregation of DeKalb County schools?

A. No. I'm not familiar with that report.

Q. So you were not the liaison to the Bi-racial Committee—

A. No, not at that time.

Q. As a matter of fact, you have only became a liaison in the last year?

A. No. This happened in '84.

Q. I believe—I thought you had testified it was '86 that you assumed your current position.

A. As Assistant Superintendent for Administration, but as [161] liaison for the Bi-racial Committee, that was '83-'84, I believe.

Q. Okay.

THE COURT: You still are the liaison for that?

THE WITNESS: Yes.

BY MS. WILDE:

Q. Don't you think it's inappropriate to have the entire burden of selecting a desegregated education being placed on parents to decide to M-to-M their children?

A. The intent of the program is to provide an integrated school experience for all students, and every decision I make is to keep or to promote the goals of the M-to-M program.

Q. Isn't it fair to say though that basically for all the kids in the southwest area of the county they have two choices, a segregated education or getting on an M-to-M bus?

A. I guess you could say that.

Q. Are you aware of adjustment problems under the M-to-M program?

A. Well, are you talking about specific problems in terms—

* * * *



TESTIMONY OF WAYNE COWEN HUEY

* * * *

[144] BY MR. HUEY:

If a parent said, "I want to go because I want my child to have an integrated experience," that's fine. We never questioned in the sense of, "you should not do this. You should not go M-to-M."

It was just a matter of us trying get information. We wanted the students to stay at Gordon High School because we felt we had a good school at Gordon and a lot to offer, and frankly we hated to see a lot of the students with parents who were very concerned taking their children elsewhere.

BY MS. WILDE: You just answered the next two or three of my questions. That was my concern as well.

I take it the rumor that Gordon is not one of the best high schools in the system has been around for a long time.

A. I think that rumor started probably in the late sixties when Gordon was the first school to go through the transition. Unfortunately, there was a lot of negative publicity, and I was at Walker at the time.

When I was assigned to Gordon as a counselor, there was some negative reaction to that. * * *

* * * *

TESTIMONY OF RUEL MORRISON

* * * *

[199] BY MR. MORRISON: Yes, we do have remedial reading teachers in every school.

BY MS. WILDE:

That's one per school?

A. One per school.

Q. And then you have additional tutors that you use in some of the schools; is that right?

A. We do at the present time. I believe we have 36 tutors, and I believe we have got 52 remedial reading teachers who are working with a particular program that I think you are addressing.

Q. Isn't it fair to say that those teachers should be distributed on the basis of need of students, if they are remedial teachers?

A. We are in the process of doing that. We have some schools now that have more than one assigned.

Dr. Tartt has been moving in this direction for the last two years. I would concur that where the need is certainly we should provide in reading that resource until we address that need.

Q. Indeed, in 1986, according to the statistics I was given, and feel free to disagree if you think you have got other information, you have 20 percent of your students in Oak Grove where your average C.A.T. was 150 getting reading help.

Whereas, down at Stone View where you had only an [200] 89 average score, you have got 18 percent.

Doesn't that sound like a maldistribution of remedial resources to you, sir?

A. No. I think that we needed to meet the needs of those youngsters at Oak Grove, because indeed there were students there who were in need of help.

I do think that some additional flexibility is already being explored and put into effect by Dr. Tartt at the present time, as I mentioned a few moments ago, to see that those schools that have—at the present time—again, I think we need to look at temporary deficits when we are talking about a need in a given school. Temporary deficits will be addressed will be corrected and will move on.

Q. I take it the difference between 89 on a C.A.T. and 150 is a fairly substantial difference.

A. Yes.



Q. And you would thing that 20 percent of the students in a school whose average is 150 need remedial reading services, sir?

A. Well, again, we are challenging maximum potential of students. We don't want to just stop where, you know, if a student on the national average or slightly above. That particular student, instead of reaching 7.8, as you mentioned a few minutes ago, might be capable of reaching [201] through extrapolation the twelfth grade, 12.1 or 12.2.

Certainly we need the services of a reading specialist to see that everyone is challenged to the maximum. We don't want to have a minimum. We also want to challenge students at both ends of the spectrum.

Q. Then you are not doing a program on the basis of needs?

A. Well, we are doing the program on the basis of need, but we are meeting the needs of all youngsters in accordance with their particular potential.

Q. So it's not a remedial program to bring up the kids with low scores; you are trying to get everybody up to potential. Is that what you are telling me?

A. We are doing both. Again, the remedial reading teacher at Oak Grove, as you said, will have fewer youngsters to work with obviously, but her responsibility again is to see that the top is also reached for those other youngsters.

Q. Montgomery Elementary had an average C.A.T. score of 133. You had a full third of their student body in remedial reading?

A. You are getting into areas that Dr. Tartt can more properly address than I. I don't know those specific figures.

Q. Do you have any reason to dispute that figure?

A. I would want Dr. Tartt to address that. I would not accept it without her saying yes or no.

[202] Q. Posit for a moment that I have got the right figure. Doesn't that seem a bit out of whack to you when

you have only got 18 percent of the students who are scoring 89?

A. Again, if what you are saying hypothetically—

Q. Yes.

A. —is correct, I would say that I would agree.

Q. The same would be true if you have 25 percent of your students in a school where the average is 138. Doesn't that present the same kind of problem?

A. I will have to hold and say that I would want Dr. Tartt to respond to that. She's in the trenches with that program daily, and I am not.

MS. WILDE: One moment, Your Honor.

That's all I have, Your Honor.

THE COURT: Do you have anything further?

MR. WEATHERLY: No further questions, Your Honor.

THE COURT: You may step down.

Call your next witness.

* * * *

TESTIMONY OF ERNEST LAMAR HALLFORD

* * * *

[217] THE COURT: But they didn't have the lesson plan for the previous week or the following week either one.

MS. WILDE: Well, it says "lesson plan attached, excellent lesson plan." I'm reading Stone Mountain Biology General, Your Honor.

THE COURT: That is the one I am reading. Says "current lesson plan and following week plan not available."

MS. WILDE: Right, but the lesson plan they had was given to students and given day by day expectations.

THE COURT: For the previous week.

MS. WILDE: Yes. That was the one that was in the classroom when there was no announcement.

THE COURT: Okay.



BY MS. WILDE:

Q. I would presume the reason we are having all this conversation about advanced level courses is because indeed there are more advanced level courses being taught in the white schools than in the black schools; isn't that right?

A. There are more students taking advanced courses. That doesn't necessarily mean—of course, it could mean that, but it does not necessarily mean that more courses are being taught.

Q. So it's more students for sure, maybe more courses, and certainly at the advanced placement level more courses being offered in the white schools?

[218] A. That generally would be true.

MS. WILDE: That's all I have, Your Honor.

THE COURT: You may step down.

MR. WEATHERLY: May I have one quick question, Your Honor?

THE COURT: Okay.

MR. WEATHERLY: Excuse me, Your Honor.

REDIRECT EXAMINATION

BY MR. WEATHERLY:

Q. You mentioned that the activities bus was being used for a tutorial program. What schools were involved in that?

A. That was Walker High School and Gordon High School.

MR. WEATHERLY: Thank you.

No further questions.

MR. SAMS: I would like to call Barbara Dover, Your Honor.

THE COURT: All right.

THE CLERK: Ms. Dover, raise your right hand, please.

You do solemnly swear the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Be seated and state your full name for the record.

* * * *

TESTIMONY OF VIVIAN McMILLAN

* * * *

[10] BY MS. WILDE: Okay. I think that's all I have got on that chart. Let's try switching to another one.

I'm heading for 115-A.

I'm pretty sure that's it.

Again, what we are dealing with is students who are coming into DeKalb versus those who have had their total education. Is that essentially what we are talking about on that chart?

A. Yes.

Q. So, again, what we are looking at is mobility figures, and we are getting fairly low numbers of students coming in at each of those grade levels, right?

A. Yes.

Q. As a matter of fact, grade two—I am reading your chart. I have got 270 black students and 444 white, so we are well under a thousand there.

A. Yes.

Q. Similar kinds of patterns throughout.

Again, what we have got is a fairly serious gap, looks like to me, between blacks and whites either at the beginning or after their time in DeKalb. Would you agree?

A. Yes.

Q. Have you done any plotting of the differences of what [11] that graph is showing in terms of not just looking at the bars but trying to figure out what those bars are telling you about how blacks and whites are doing comparatively in DeKalb?

A. Plotting in the sense of what?



Q. Well, plotting in terms of taking the gain each year for blacks and comparing it to the gain each year for whites.

A. I believe that there were some exhibits where we did look at gains.

Q. No, but in terms of doing any graph plotting to see how it looks when you look at that, not just visually on the graph.

A. No.

Q. Let me show you a real rough sketch and tell me whether it indeed seems to be correct. You can compare it to what you have got on the chart.

MS. WILDE: I apologize. That's the only copy. I will show it to you before she testifies.

THE WITNESS: I'm not sure what I have here. This is differences in N.C.E.'s converted to percentiles?

MS. WILDE: Yes, and you have got percentiles here.

THE WITNESS: That's correct.

MS. WILDE: So what I'm showing is the [12] differences—

THE WITNESS: Oh, these are—

MS. WILDE: No. One's black and one's white.

The whites are the red line. The blacks are the pencil line, and all we are doing this, and I would like you to check the accuracy, is to look at the difference in each grade level where the blacks are and where the whites are in terms of the gains that are being shown.

MR. WEATHERLY: I would like to see.

MS. WILDE: Absolutely.

MR. WEATHERLY: Could we maybe put something on the board so we could have some clue as to what we are doing?

MS. WILDE: I can try.

Do you have an eraser, Your Honor?

THE COURT: Mr. Evans, do you have an eraser for this chalk board over here?

Okay.

MS. WILDE: I should have been a teacher. I am not good at audiovisuals.

BY MS. WILDE:

Q. Okay. We have got over here the percentiles. We are talking about the differences in these percentiles taking them from your chart, Okay?

A. Uh-huh.

[13] Q. Let's see. Five, ten.

The second grade, third grade, fourth grade, fifth, sixth and seventh.

Okay. In grade two I think you are showing the whites with a little bit more than five percent, five percentiles gain?

A. Now, this graph does not at all represent gains.

Q. My apologies. In terms of where they are?

A. Okay. Difference.

Q. Differences?

A. I would call it difference.

Q. My apologies. As I said, I'm not a statistician.

A. Neither am I.

Q. The difference between students who are new and the students who are old is about five points, right?

A. On second grade?

Q. On second grade for whites. And it's about, what, two for blacks?

A. That's right.

Q. Okay. So I will put blacks down at two and whites at about five.

Third grade, we have got blacks a little bit over five; is that right?

A. (Nods head affirmatively).

Q. Yes?

[14] You have to answer audibly. I have my back to you, and the court reporter needs to hear.

A. Yes.

Q. We have got whites up at about 13; is that right?



A. Yes.

Q. Okay. Fourth grade, we have got blacks up near nine; is that right?

A. Yes.

Q. And whites are again a little bit over 13, between 13 and 14?

A. Yes.

Q. And fifth grade, blacks are down in the three to four range?

A. Correct.

Q. And whites are between 12 and 13, basically somewhere in there?

A. Yes.

Q. And sixth grade, blacks are about five; is that right?

A. Yes.

Q. And whites are at about 12, somewhere in there?

A. Yes.

Q. And seventh grade, blacks go up to about eight or nine?

A. Yes.

Q. And whites go up to 20?

A. Yes.

[15] Q. Okay. I will connect the dots.

THE COURT: Let me ask you there, Doctor. You have got blacks and whites, and you have first year and then you have total?

THE WITNESS: Yes, sir.

THE COURT: When you say "total," you mean the total population, not the remaining population?

THE WITNESS: No, sir. I mean—by total I mean that those children have received all of their education from first grade in DeKalb County. They have received their total education in the school system compared with students—

THE COURT: Okay.

THE WITNESS: —who have entered this year.

THE COURT: It's not total population. It's total of those who have been there the entire time.

THE WITNESS: Yes, sir.
THE COURT: All right.

BY MR. WILDE:

Q. So that's a graph essentially we have got?
A. Yes.
Q. And indeed it shows whites not only being above but generally staying above and doing, increasing—doing much better in some of these gaps, so these lines—whites remain ahead, and the differences that they are ahead go up?
[16] A. That is correct.
Q. That is all I have got on that one.
I just saw that Steve had given me the numbers. It would have helped. Okay.
Moving to 117-A. I think that's it.
That's the one that looks at free and reduced lunch with and without for both races, right?
A. Yes.
Q. Basically doesn't that chart show that regardless of S.E.S., the levels—regardless of S.E.S., the whites invariably do better?
A. The whites have higher scores than the blacks, yes.
Q. And I though that's what you were trying to measure on some of these tests, right?
A. Yes.
Q. That's all I have got on that.
One ten.
MS. WILDE: Your Honor, I believe that's 110-A.
THE COURT: I have it.

BY MS. WILDE:

Q. Whose idea was it to do this chart?
A. I believe it was our attorneys'.
Q. Don't you find that chart somewhat offensive in terms of what it's purporting to do and the levels of classifications?

* * * *



TESTIMONY OF FANNIE H. TARTT

* * * *

[173] BY MS. WILDE:

Q. That's I believe what this figure is in the upper right-hand corner. You have got six cut off. That's what the original says.
A. Yes.
Q. So this is something I can work from for questioning you?
A. Yes. That's from a year ago.
Q. Montgomery Elementary is majority white, isn't it?
A. Yes, it is.
Q. And I show an average C.A.T. score of 133. Do you have any reason to disagree with that?
A. An average C.A.T. score? What score are you using?
Q. C.A.T. '84. That's the only one I was given in discovery.
A. What score? A scale score, N.C.E., a grade equivalent, what?
MS. WILDE: Do you know?

(pause)

MS. WILDE: An N.C.E.
THE WITNESS: I beg your pardon?
MS. WILDE: An N.C.E.
THE WITNESS: Oh, an N.C.E. of 134?
MS. WILDE: One thirty-three.
THE WITNESS: One thirty-three? I'm not familiar [174] with that since N.C.E. scores stop at 99.
MS. WILDE: These run from 82 to 152.
THE WITNESS: Is that just the reading score?
MS. WILDE: No. No. That's the C.A.T. 84. That's both.
THE WITNESS: For reading?
MS. WILDE: Reading and math.
THE WITNESS: They are added together?

MS. WILDE: Right.
THE WITNESS: Okay.

BY MS. WILDE:

Q. Okay? Do you have any reason—can you provide any reason why a third of the students in the elementary school, Montgomery Elementary, who received reading services would have gotten services when the whole school's average was 133?

A. Yes. The students who were in need of services would have received those services.

A mean score would just mean that you had a large number of students who scored very high, but if you have students who are remedial, regardless of the score, we have to meet their needs.

Q. Indeed, isn't it true that in some schools you don't have to be as far behind in order to get remedial services as in other schools? At least, wasn't that the case at the [175] time this computer run was done in '86?

A. In 1986 when the computer run was done, yes, that was the case, that you did not have to be as far behind to be eligible for some type of service.

Q. So that may explain, for example, why Nancy Creek has 25 percent of its students served, and it's got an average score of 138?

A. No. It would mean that at Nancy Creek those students were in need of services, that they met the state guidelines.

Q. But they may not have been as far behind as those students at Stoneview who were scoring 89 on average, right?

A. Yes. The state set the guidelines at a half year or more below grade level or below the 25th percentile, so if you are a half year below grade level, you are eligible. If you are two years below grade level, you are still eligible.

Q. Wouldn't you expect a greater percentage of kids to need the services in a place like Stoneview where you have got an 89 average C.A.T.?

A. Certainly would.



Q. Same at Canby Lane which has got a 96 average C.A.T.?

A. Yes.

Q. Those are both majority black schools, are they not?

A. Yes.

Q. Yet I show the percentage of students served in each of [176] those is 18 percent under your program.

A. That was 1986. You will find during the past year every single student was served. That was one of our goals.

MS. WILDE: I believe that's all.

BY MS. WILDE:

Q. Are any of the state remedial funds being used for enrichment in advanced reading courses?

A. No. The state does not allow that. They monitor the program very heavily. All of it is local.

Q. Are the local funds that are part of that 75 percent being used—

A. No. That is strictly remedial.

Q. That's a separate bank of money?

A. Yes.

Q. Were those percentages the same last year, before this whole thing changed?

A. Yes.

Q. Do you ever wind up having students placed in those courses, remedial courses, on parent or teacher recommendation separate from the state guidelines?

A. Not into the state program, but into the local program a parent can request it, and we will service the student.

Q. And that's the remedial?

A. No. That is the locally funded part of the program.

Q. But that's locally—

* * * *

TESTIMONY OF DR. BILL STRAIN

* * * *

[175] BY MR. SAMS: And can you tell us where portables are presently being utilized?

A. Yes, I can.

Mobile units presently are placed—there are four mobile units at Avondale Elementary School, one at Cedar Grove Elementary School, four at Dresden Elementary, one at Fairington, one at Glenhaven, three at Main Street, seven at Rainbow, 17 at Redan Elementary, one at Rock Chapel, two at Rockbridge Elementary, two at Stone Mountain Elementary, four at Stoneview Elementary, and three at Woodbridge Elementary.

Q. On a global basis, can you determine the racial make-up of the students who use these more than other students?

A. At the present time, if we consider 65 percent, anything beyond 65 percent is a school that is predominantly black or predominantly white. We have 13 units in school who would be predominantly black, that is, they exceed 65 percent, 13 units, 28 units in schools that are predominantly white, with a population of 65 percent or more, and we have nine mobile units in schools that lie in a balanced range between the 35 and 65.

* * * *

[207] BY MS. WILDE:

Q. Indeed, isn't the way you make decisions in the planning department on whether or not something is going to have a racial impact on whether or not it is going to make the racial balance worse, isn't that the way you take a look at things?

A. Yes.

Q. So, if you are combining 99 and a hundred, then the position of the planning department will be that that



is race neutral and that's all you have been asked to assess, is that right?

A. Well, it's not—I'm not sure it's that simple. Say again what you are saying.

Q. Well, if you—I take it what you are looking at is whether or not it is going to have a harmful effect versus race neutral, and what you are saying is, if you are combining 99 and a hundred, you are not making things worse, therefore, there's no problem with moving ahead with that kind of plan on your desegregation considerations?

A. Correct.

Q. In fact, that's indeed, the same way you have made assessments in the planning department for quite awhile, isn't that right?

The way you analyze things is whether or not they are going to affirmatively make the numbers worse?

[208] A. No, no, that's not correct.

The first thing we look at is whether there is something we can do to enhance integration. Of course, the flipside of that is: does it make it worse. But the positive side that you look at is: is there something we can do to enhance the integration, utilizing the neighborhood school concept.

Q. With the primary piece being the neighborhood school concept?

A. I am sorry?

Q. Within the confines of the neighborhood school concept?

A. Yes.

Q. Have you ever proposed a change in attendance lines as a way to affirmatively reinforce school desegregation?

A. Outside an overcrowded situation?

Q. Well, tell me what you mean—why don't you try answering the question and then explaining how you make your decision?

A. I will qualify my answer.

When a school is overcrowed, the first thing we look for is a way to enhance integration.

* * * *

[212] BY MS. WILDE:

Q. Three expansions or one new school?

A. Each year? No.

Q. You are saying you are aware of at least three expansions and three new schools?

A. Yes.

Q. So, basically the trend that we have seen in the last ten years continues, that you are closing schools in the north and building and adding to schools in the South?

A. I would agree with half of that.

Q. Well, what you are saying is you are not sure yet how many you are going to close in the North?

A. That's correct, or if we will close any.

Q. I believe you testified at your deposition that the only thing that has been explored to deal with the 99 percent black schools during your tenure has been the M-to-M program; isn't that right?

A. The only thing I have worked with is the M-to-M program, but, if I didn't expand that to include the Magnet programs, I should have.

Q. There has been no other attempt to reduce the extreme racial identifiability of those schools, right?

A. My statement was incomplete if that's all I said. I should have added the magnet program to that.

Q. So, M-to-M and magnet?

A. Yes.

[213] Q. And, indeed, didn't you say you haven't even participated in any discussions about anything other than those two?

A. You have the advantage, because I am not looking at my deposition.



Q. I'll be happy to show it to you and read you sections of it.

A. Would you, please?

MS. WILDE: 123.

BY MS. WILDE:

Q. "Has there been any discussion or any concern about, in terms of the meetings that you have had during the course of your ten years as associate superintendent, any concern about 90 and 99 percent black schools and 90 and 99 percent white schools in the system?"

And then you go through M-to-M. "In the particularly area that I work, which is M-to-M, we do everything we can, present M-to-M transfers in such a way, such a light as to make all students know in a most confident way that it is available for those who wish to take advantage of it, I have racial experience and that involvement in it."

It goes to: "M-to-M has had some success to some degree, but with respect to schools like Gordon or Walker where they have been over 99—90 percent over ten years, black and white over 90 percent white since they have been built, has there been any discussion about or concern or [214] proposals in order to provide more racial integration or balance between those stools?"

And you say: "Let me understand. You are not asking me for my opinion. You are asking have there been any formal meetings to do this?"

"Yes, I'm not asking you for your opinion now."

"No, I have not been to any formal meetings for this purpose."

"Well, have there been any informal meetings?"

"Not that I have been involved in."

A. Yes. And I think the earlier statement and the statement you just made, the area in which I work, which is school administration, and the M-to-M program, my focal point has been toward the M-to-M program.

If I might amplyify that, there are those who work in other areas that have been involved in magnet schools which is intended to do this. So, personally that answer is correct.

Q. But anything that would require a shifting attendance zones or doing reorganizations of junior senior high schools, all that would come through your departments?

A. If there were attendance lines changes, yes.

Q. Isn't it fair to say, Doctor Strain, that the system's attitude toward the racial composition in schools such as Gordon and Walker and even Peachtree, the extreme racial composition of the schools has been essentially "it's not our [215] fault; therefore, it is essentially not our problem?"

A. I don't think that's a correct characterization.

I think—I don't think you can look at anything and say, "you did that to cause it to be that way." So, yes, I think that's correct. But I wouldn't accept that we are not concerned or haven't done anything because of the time, the energy, the money, the expense that is devoted to—the only part of that that I work with is the M-to-M program. We do everything we can to make the M-to-M program work, to increase the M-to-M program.

Q. The M-to-M program is specifically spelled out in the court order, is it not?

A. Correct.

Q. And there was also an affirmative duty to desegregate—

A. Yes.

Q. —spelled out in the 1969 orders?

A. Yes.

Q. And you have read that order have you not?

A. Yes.

MS. WILDE: I have no further questions.

• • • •



TESTIMONY OF DR. ROBERT FREEMAN

• • • •

[61] BY MR. SAMS:

Q. After hearing from Representative Evans, what did you do?

A. I consulted with my attorneys and school board, and we—Your Honor may recall, we had a meeting in the judge's chambers, at which the judge was asking how we were getting along and what kinds of problems we were having.

Several topics came up, and the judge pointed out to us that he could not and would not rule on situations that might come to his attention in his court but that we should go out and work together to attempt to build a better school district and get along with one another.

As a result of those discussions, I relaxed my consideration for the number of black teachers that I would consider to be appropriate in the black schools, because the black teachers in a majority black school up to 30, 35, 40 percent, it was my consideration at that time that they did serve. It was employment justice. I was trying to elevate the numbers of black teachers, and they served well as role models for the students, and I did not receive any criticism from the Bi-racial Committee, from the federal government or from Plaintiff until this hearing or until our application for unitary status was filed.

[62] Q. So we make sure the record is clear, the action you took was to increase or decrease the number of black teachers in majority black schools?

A. No direct action was taken. I was more tolerant as it commenced drifting in that direction.

THE COURT: When you say drifting in that direction, you were more tolerant to accept more deviation from your goals?

THE WITNESS: Our goals were, of course, at that point probably 25 percent, 26 as it changed, but it didn't bother me if we were a couple over.

It did and does bother me more to be a couple under. I think that represents a more serious problem for us now, because while our goal is 30 percent today, the goal has to be increased.

BY MR. SAMS:

Q. But we are talking about now not the goal of overall representation but the number of minority teachers teaching in majority black schools?

A. Right. I'm saying that the overall goal has to be increased, and so when the overall goal is increased we are going to have to have more teachers, but my goal is right on the Singleton.

I think we achieved the Singleton some time back, but I think it is an excellent guide.

* * * *

[75] THE COURT: And the school system population is running about 47, is it?

THE WITNESS: That's accurate, sir.

THE COURT: Over 50 percent in the elementary schools?

THE WITNESS: Yes.

And add the other non-white would go over 50 percent I think.

BY MR. SAMS:

Q. The A.R.C. figure was white and non-white?

A. White and non-white, yes. I believe that's the only way they give that figure, Counselor.

Q. Dr. Freeman, we were moving to the magnet school programs. What is the school system's position as to magnet schools?

A. The school system is interested in developing magnet programs that are educationally sound, that are racially controlled and that will survive.

Q. What preparations did you or your staff undertake to establish a magnet school program?



A. Approximately four years ago, we started attempting to generate interest in the community for magnet schools and to also collect information as to what the community would be [76] willing or able to support.

We visited a number of the school districts during the period of time from four years back until—well, within a year or so.

I or my staff visited Milwaukee, Wisconsin; Cincinatti, Ohio; San Diego, California; San Antonio, Texas; Dallas, Texas; Buffalo, New York; Indianapolis, Indiana, and I think other schools and then made many phone calls and exchanged some correspondence.

We also, after admonishment from this court to proceed to get some magnet programs in operation, then we struggling with the exact way to do it, finally decided to go to a community survey handled by some professionals.

Now, every place we went, this was one of the things that they would point out to us, that you better find out what your county, your community will buy, will became involved, because once you put it in, it's very difficult to get it out. You get some vested interest, some empire building, and you may, whether it's a program that's very good or not, have a lot of trouble getting it out, and it might appear that you are trying to be reactionary in your approach to the magnet program.

So we did get Dr. Armor and Dr. Clark whom you have heard testimony in the past few days to design for us and execute an instrument which surveyed the community to find out some of the things the community thought they could support in the magnet program.

* * * *

[131] BY MR. FREEMAN:

Then we have periodic meetings all during the year for these beginning teachers.

In addition to that, many of these teachers continue to go to school during that first year because they are

seeking their Master's degree. Others will take the staff development programs that we offer to them.

BY MS. WILDE:

Q. So there are ways that the system can try to deal with the white teachers who are coming into a different cultural school?

A. Yes, and it would be in the reverse, too. You know, the black teachers have a problem also first year in a new setting, but that doesn't take long to reconcile itself in my opinion.

Q. I believe you would agree that there's still a large number of children who are attending what we might call racially identifiable schools.

A. Yes.

Q. And a primary instrumnt for desegregation right now is M-to-M; is that right?

A. That's correct.

Q. We discussed in deposition, as I recall, the kinds of problems facing a black youngster who enters the M-to-M program. Do you remember our talking about that?

A. I don't remember the question, but I'm sure I will when [132] you remind me.

Q. And as I recall, you said it's a difficult, very traumatic experience.

A. For a youngster at age five to go off to school, yes, indeed, it is.

Q. For a youngster at any point to enter the M-to-M program to go into a school that is very racially different than their home school?

A. Well, I was talking about going off to another school regardless of whether it would be M-to-M'ing or just going to another school.

You do add another component, of course, when you send a youngster into a school in which he will be culturally in the minority.



Q. And I think you also talked about the fact that it's hard sometimes dealing with white youngster who may not be as anxious to see them as the youngsters in their home school?

A. That's right.

Q. And I think you call it the problems of, I think, quote, a pioneer period in evolution, in the evolution of the program on the way to achieving?

A. I think it's the evolution of our culture in general. Whereas, in our culture today—I can't believe what has happened in the last 30 years in terms of racial tolerance [133] and in terms of mutual understanding and friendships and the kinds of development that has occurred because of some great people working very hard to make it occur.

But I think we are pioneers. I think we are one of the few cultures in the world that has succeeded to the degree we have succeeded, and all of us have a lot of hopes it will be even more significant in the future.

I think that's a good way to describe it, social pioneers.

Q. So at least at this point there are indeed some problems that black M-to-M students face going into that program?

A. I think there are—I wouldn't say the problems are any more or less than what any other children would be making that same kind of a move.

Q. But indeed it is the black children who are M-to-M'ing and not the whites?

A. Correct.

Q. I believe you had said that there's more that can be done beyond just M-to-M to try to create some desegregation in DeKalb County?

A. Yes.

Q. For instance, magnet schools, right?

A. That is one example.

• • • •

TESTIMONY OF ROBERT FREEMAN

[154] BY MR. FREEMAN: I hope you don't have some information I don't have, Counselor.

BY MS. WILDE:

Q. I have no information. I'm just trying to point out that a lot of the projections we are hearing are indeed still projections at this point, and nothing has been approved, and there's nothing that, other than a few pieces, that's yet in place.

A. I hope this doesn't sound too immodest, but you did ask the question. I would like for you to look at the projections I made in 1980 and see how many of them are here.

Q. And you have been around since 1980.

A. Yes.

Q. We had started on one area before that, and I don't think I had finished. A few other questions. I know we have been jumping around.

I think you had agreed that there is more that can be done in a number of areas within the system.

A. I do agree with that.

Q. And that's true whether we are talking about teacher turnover or whether we are talking about maintaining a racial balance in the teacher course or whether we are talking about developing new remedial programs, there's more that can be done?

A. Or student achievement or affective treatment. I do [155] believe that.

Q. And you have begun a number of programs such as the ones which just started in the last year or so at Gordon and Walker; is that right?

A. Yes. We don't have very many programs that we could call a one year history. A good program is probably in planning for a couple of years. You have got to establish some base for support. You have got to sell the ownership of the program to the people that are



going to make it work. You have got to identify and select the people that are going to run it and staff development.

So some programs might be two and three years in the development before you can actually see the realization of them.

For example, I have heard it said, and I believe that this is a bit of an exaggeration, but I have heard it said that if you want a new high school, that from the time it's a twinkle in someone's eye until you open the doors is five years.

MS. WILDE: One moment, Your Honor.

BY MS. WILDE:

Q. We had another question on Hooper Alexander. It showed net capacity at 624, and I believe those calculations are done after you have taken out all the special use rooms. Aren't those the way—

[156] A. One special use room there that is not included in that incidentally, and it is the writing to read project. That is not considered as a special use room, I believe.

So that would be one more room, but even though you have got, let's say 80 or 90 seats there, that wouldn't necessarily mean that you had four classrooms or three classrooms. Now, it might. I just haven't seen that.

I am glad to learn that, as a matter of fact, because that would be an ideal site.

You do need to be careful that you do not go into a school and prevent the community from having something like the writing to read project for the magnet or you would poison the magnet I think.

Q. I think you would agree with me that DeKalb's an innovative district, would you not?

A. I think it is.

Q. And so indeed in all of the areas we have talked about there is more that can be done?

A. Yes.

MS. WILDE: That's all I have, Your Honor.
THE COURT: Mr. Sams?
MR. SAMS: No further questions, Your Honor.
THE COURT: You may step down.

* * * *

TESTIMONY OF PHIL McGREGOR

* * * *

[4] BY MS. WILDE:

Q. And what's your current occupation?

A. I'm a financial specialist with Travelers Insurance Company.

Q. Do you have any children?

A. I have two boys; Brian, ten, Shawn, six.

Q. And what schools do they attend?

A. They attend Columbia Elementary School in DeKalb.

Q. Have you ever taught school in DeKalb County?

A. I taught at Columbia High School for three years when I first came to DeKalb.

Q. Did you have any further contact with the DeKalb schools after you left the school system as a teacher?

A. Yes. I continued to be involved with the school system as a community activist with a number of organizations that addressed some of the problems of the school system.

Q. And what was your concern?

A. I recognized from almost the moment that I arrived in DeKalb County that we had a very good school system. As a potential parent, though I was not a parent at that time, and also as a classroom teacher, I was concerned, however, that many of the black students were not beneficiaries of that very good educational program, and that concerned me.

Q. Is that still a concern of yours, Mr. McGregor?

A. Yes, it is.



[5] Q. What committees or task forces in the area of education have you served on other than specifically in DeKalb County?

A. In 1977 I was appointed by the then Governor George Busby to serve on an educational task force made up of 26 members state wide composed of school board members, school superintendents, classroom teachers, members of the business community.

I was also asked to serve on and did serve on a state wide legislative committee to investigate and look at the possibility of implementation of middle schools throughout the state.

Q. Can you tell us what direct involvement you have had on on the question of education for black children within the DeKalb County schools? Any participation in this case or other aspects of that question?

A. Well, I have served and was appointed by the court to serve on the Bi-racial Committee that is still in existence today. I served for, I believe, five years, and served as its chairman for one year.

Q. When would that have been?

A. I can't recall the exact year that I served as chair, but the committee I believe was established in either '76 or '77. I can't recall the exact year now.

Q. And you are now a member of the school board, are you not?

[6] A. I have been a member of the school board now for four and a half years. I'm in my first year of my second elected four year term.

Q. So you are both a plaintiff and a defendant in this case, are you not?

A. I read in the newspaper that I am.

Q. What is the current racial composition of the board?

A. I'm the only black board member.

Q. Do you expect that to change?

A. Well, I would hope that it would change. I don't know that it will change, because, based on the last

figures that I have seen, the districts—as you probably know, we have five school board districts and two at large posts. My district is the only one that has a majority black registered voters. The others are majority white.

It's been my experience that until and unless a district has at least 50 percent or 50 plus percent registered black voters it is very difficult to have a black elected, so the only other district that has I think a significant black registered voter population would be district five.

Q. How about the city wide post?

A. Well—

Q. County wide. My apologies.

A. County wide. I don't know what the exact county wide [7] registered black-white voter percentages are, but there has been candidates in the past, at least one black candidate, to run on a county wide basis, was not elected. In fact, I think he ran twice.

THE COURT: Mr. McGregor, when we say county wide basis, we really mean county wide excluding the city of Atlanta and Decatur, do you not?

THE WITNESS: Yes, sir.

THE COURT: All right.

BY MS. WILDE:

Q. So if you had to project within the next three to five years what the composition of the board would be, what would be your best guess?

A. Well, unless there's a resignation on the board in the next three years it will remain as is in my prediction racially, because the three districts that are up for re-election next year are overwhelmingly white districts in terms of the registered voters.

In five years, again, I would hope that there would be another black elected to the board, but I don't know what those chances are.

That would be just a guess, prediction.

Q. What was the vote on the board on the motion for unitary status?



A. My vote was the only dissenting vote among the seven.

[8] Q. Why did you vote against unitary status, sir?

A. Well, I did not believe and do not believe that the school system, while we have made progress, there have been things that we have done, I don't believe that we have accomplished the goals of a unitary system in total.

I think that there are some areas that yet remain to be addressed and to meet the mandates of a unitary system.

Q. It might be easier to talk about that if we go through some specific areas.

What problems, for example, if any, do you see in the area of the black-white teacher ratio within the school, for example, what's called the Singleton requirement?

A. Well, that's been, in my mind at least, the problem for a number of years. As I understand the Singleton Principle, the requirement is that the black-white teacher ratio at each school should approximate the black-white teacher ratio throughout the school district with some flexibility, realizing it's not possible to always have exact percentages.

I have found that, and I think the statistics and the facts will show, that there are some schools where there is an under representation of minorities on the staff and have traditionally been so, and these have been majority white schools, student population wise.

[9] While at the same time there are some schools that are majority black schools where there has been an over representation in terms of the Singleton Principle, giving a five or ten percent flexibility one way or another, above or below. There are some schools that are, in the black community that have exceeded that ten percent above.

Q. Have you discussed this problem with the superintendent and members of the board?

A. It has been discussed, and, yes, I have. Not only have I but members of the black community have made

points of this with the superintendent and with the board, and with personnel I have discussed it.

Q. And what's been the response?

A. Well, the responses have been varied.

Recently, and when I say recently, the last couple of years or so, the response has been and the concern has been that it's difficult to find minority teachers because of the work force.

The problem in my opinion has persisted, however, longer than the past two or three years.

The responses beyond that have been sort of nonresponses. "We recognize the problem. We hear what they are saying," but I have quite frankly not seen a great deal of action to correct those problems.

As a member of the Bi-racial Committee, I remember [10] one particular meeting where we sat as the Biracial Committee with personnel, and we discussed these very problems, why there was an over representation in some school, majority black schools, and an under representation in others that are majority white.

I have also been told by various people throughout the system, including individuals in the, within the personnel department, that when they have attempted to place minority teachers at some of the majority white schools there has been resistance on the part of the principals who have preferred not to have any more black teachers than they have on their staff.

Q. How would you characterize the stand being taken by the white principals?

MR. SAMS: Objection, Your Honor. If she's going into hearsay, I would object to that.

MS. WILDE: Your Honor, they are all people within the system, and that's the defendants.

THE COURT: Well, I will sustain the objection. There is another grounds to it, too. Your question assumes facts which he didn't testify to. He didn't say anything about white principals. He said principals.

MS. WILDE: I'm sorry. I did not mean to do that, Your Honor.



BY MS. WILDE:

[11] Q. What—

MS. WILDE: I guess I'm a little confused as to exactly where we are then.

BY MS. WILDE:

Q. Your testimony was that it's principals at majority white schools. Was that what you had testified to?

A. Yes.

Q. And their concern was what, according to personnel which is a department of the school system—

MR. SAMS: Then that is double hearsay. He is quoting personnel said principal said. I would object on that grounds. I don't think it's relevant, and I don't think he's qualified to characterize other people's opinions.

THE COURT: I would sustain the objection if you are talking about just rumor he's heard.

Now, if this is something that has come before the board and been discussed by the board, I will allow you to go into it.

MS. WILDE: Your Honor, it's his conversations as a board member with people in the Department of Personnel who are people he has supervisory responsibilities over.

THE COURT: All right, wait a minute. You are injecting another issue that I didn't understand. You mean it's the personnel—

[12] MS. WILDE: Who are explaining why there have been some problems with Singleton.

THE COURT: All right. To the extent this has come in from the officials, the personnel officials of the school system, whether it be hearsay or not, I will permit that. If they are expressing what their problems are. All right. I will overrule the objection.

BY MS. WILDE:

Q. So—

THE COURT: If that is the question, but you couch it that way.

MS. WILDE: I will, indeed.

THE COURT: The way I understand it, you were getting neighborhood and community rumors.

BY MS: WILDE:

Q. What has been—what have you been told by people within the Department of Personnel about their problems with the Singleton Assignment?

A. I have been told that there are—when I would question why there was an under representation of minority or black teachers on the staffs at majority white schools, in some cases they have indicated to me that they have attempted to place more black teachers at these schools but have met resistance from the principals at these majority white schools, because they have not wanted any more black [13] teachers on those staffs than they had.

On the other hand, at majority white—excuse me. At majority black schools, the problem in terms of an over representation is there, and in those schools has been that many of the white teachers coming into the system have not wanted to go to the majority black schools.

Q. Has the system in your view done all it can do to accomplish Singleton?

A. No, it has not.

Q. What more do you think could be done?

A. Well, I think first of all in the area of personnel, I don't think that the number of black teachers, minority teachers, is reflective of the student body black student ratio and percentages. I don't feel that it is reflective of the county wide black-white ratio.

I have long been an advocate of targeting resources where the greatest needs are, and we have not done, I think, as much in that area as we could have.

There's been some efforts in that area recently in the last couple of years or so, but I think that more should be done and can be done.



Q. Are there other areas where racial assignments are of concern to you other than simply in the area of teachers?

A. I think there are some departments within the school system that needs addressing, such as the Department of [14] Instruction.

Q. Why is that a particular concern to you, Mr. McGregor?

A. Well, the Department of Instruction is, in my opinion, the life blood of the entire school system, and since black students make up roughly 45 percent of the overall student population, I believe that it is important to have individuals within the Department of Instruction at high adminisrative levels so that the concerns, the needs the problems of minority students from an instructional point of view can have that kind of input and can be addressed.

Unless I'm mistaken, the highest ranking individual, black individual in the Department of Instruction, is a director who is the director of the reading program. We do not have an assistant superintendent neither in elementary or secondary, a black.

Q. Have you ever discussed that with the superintendent?

A. I have.

Q. And what's been his response?

A. Well, there was opportunity last year or at the end of the school term with the retirement of the assistant superintendent for, I believe, elementary education, Dr. Betty Moore, and, of course, there were candidates for that position.

I had hoped at that point that we would have, that a black would be appointed to that position to fill that [15] position.

There were, as I understand it, among the candidates two that were being considered, but neither was appointed.

Q. Let's turn to the area of teacher experience. Has the board been aware of discrepancies in experience levels in the black and white schools?

A. The board has been aware.

Q. How do you know that?

A. I have discussed it with the board, and it's been brought to the attention of the board on numerous occasions by members of the black community.

Q. What has been the nature of the discussion around that question?

A. Well, it's varied. In terms of an explanation, it's been that the turnover in the southern part of the county where most of the black students are located has been greater and therefore when there is a high amount of turnover you tend to get less experienced teachers to replace them.

There's been a feeling and an expression that once—that many white teachers who do come to the southern part of the county remain there for three years until they have acquired tenure and then apply for transfers which causes a continuous amount of turnover in the southern part [16] of the county in the majority black schools.

Q. What, if anything, has the board been doing to address these problems?

A. I'm not sure of anything that the board has done to address the problems.

The only thing of recent that has been done as involved the Gordon and Walker high schools where there's been a merger or will be effective with the opening of school in August, and they have reduced the teacher load from five classes per day to four with the idea that perhaps this might be an incentive to many of the white teachers to remain in those schools.

I don't believe that that's the only reason for doing that, because I know that there are other reasons why this program or this concept has been put in place, and also is to be put in place at Columbia High School.

Q. Is it projected for any elementary schools at this point?

A. I'm not aware of it.

Q. What about the question of distribution of school resources? Has that ever arisen before the board?



A. When you say distribution of school resources, you are speaking, I assume, of the sending of resources where the greatest needs are?

Q. Yes.

[17] A. Yes. It's been discussed. Most recently during the budgeting process.

There has been some reluctance on some board members' part to be strong advocates I think of that because of concern for constituent reaction to that. That is to say, that if we send more resources to one particular school, that the reaction in other parts of the county might not be, might perhaps be negative, and I don't think that has been pushed vigorously for that reason.

Q. What is your view in terms of how those resources should be distributed, Mr. McGregor?

A. Well, again, I think that if there is a greater need for resources at a particular school or in a particular part of the county, then resources ought to be targeted to those needs.

I don't think the school system as a whole is healthy unless all of the parts are healthy, and unless we are doing all that we can possibly do for each of the schools can we have what might be characterized as an excellent school system.

I have no problems personally with spending or increasing the per pupil allocations at one particular school if there is a need for it and if that need can be identified and the outcome can be predicted to improve the academic achievement of students.

[18] Q. Do you see those needs as falling along racial lines, Mr. McGregor?

A. I do. I think that there is, for whatever the reasons, the problems in the majority black schools are somewhat unique to those majority black schools.

The southern part of the county has experienced an influx of students from outside of the school district that perhaps were not as prepared academically as students coming in to the county from other parts, I mean the

northern part of the school district, and the majority black students do reside and attend school in the southern part of the county.

Q. What discussions have there been explicitly trying to further desegregation on the board?

A. Well, the discussions have for the most part centered on the M-to-M program and the magnet programs that have been in place and those that are planned for the next school term.

Q. Have there been any conversations concerning implementing desegregation beyond those two notions?

A. Not in my presence, there has not been.

Q. What are your views on the M-to-M program, Mr. McGregor?

A. The M-to-M program is a program that's been in place in the DeKalb school system for a number of years. Of course, you know that it is an opportunity for those students who [19] are attending the schools where their race is in the majority to transfer to a school where their race is in the minority.

I support the program. I have had many conversations with parents about, who have asked me whether or not they should or should not M-to-M their children.

My response has been that, "That's an option that you have, and if you choose to do that, that's fine. I encourage you to be familiar with your local school, your community school, but if it's your choice to M-to-M your child, then that's your choice, and you have a right to exercise it."

I then lay out what the guidelines are in terms of application deadlines and that kind of thing.

I don't personally see the M-to-M program as an effective tool of desegregation. It involves too few students, and it involves for the most part only black students.

Q. What about the magnet school programs that we have heard—we heard Dr. Freeman testify, and I presume you have heard something about at the board.

A. I don't know—I don't know what Dr. Freeman testified to yesterday, because I was not here.



The magnet programs involve I believe even fewer students than the M-to-M program in terms of black students.

[20] There is planned a magnet school at one of our schools, Kittridge, for the opening of the school term, but I believe that will involve four to 500 students, 50 percent of which will be black, so you are speaking of 200, 250 students as a maximum.

There have been and there are other magnet programs within schools that provide some integration, but it is fairly small.

Q. Have there ever been any numbers discussed at the board concerning the number of magnet school seats?

A. There was a proposed, or there was discussion between Plaintiffs and the board on a possible settlement, and in that discussion there was a proposal by Plaintiff that would involve a much larger number of students that would provide a greater degree in my opinion, a greater degree of integration.

But that idea was not accepted by the school board and the administration.

Q. What's your view as to why M-to-M and magnet programs as they currently exist have been used by the system?

A. What is my view as to why they have been used?

Q. Probably not a good question.

Let me try another one.

What is your view as to how much desegregation is going to be accomplished by the M-to-M program and the [21] magnet school program as it currently exists?

A. Well, unless I am mistaken, and I don't—I have not looked specifically at the numbers, but I believe that the number of new M-to-M students each year has stabilized. I don't think it's increasing. I believe that we are somewhere between 5500 to 6,000 students, perhaps less, involved in the M-to-M program, and these are majority black students.

With the consolidation of schools in the northern part of the county thus putting more students into the existing

schools and closing some of those that were under capacity down, I think that tends to stifle future M-to-M, so I don't think M-to-M is a viable means for desegregating and fully integrating the DeKalb school system.

Magnet programs, unless we were to implement magnet schools such has been spoken of about the Kittridge school that would involve a much larger segment of the student population, I don't see that it's going to be an effective tool for desegregation or integrating the schools, because we are talking about relatively small numbers of students.

Q. What discussion, if any, has there been on the board concerning using attendance lines affirmatively to promote desegregation?

A. A discussion has been more reaction to members in the [22] community or plaintiffs proposing that instead of—that instead of closing schools, that attendance lines ought to be changed so as to fill those schools up or to allow for a greater degree of integration.

In other words, there's not been any discussion that I am aware of, that I have been a part of, of using attendance line changes as a means for providing for further desegregation.

In fact, there's been a reaction, a negative reaction to those proposals by the school board when it's been proposed by plaintiffs.

Q. By the way, how often are you in attendance at board meetings?

A. I have not missed a board meeting in my four and a half years to my knowledge. Perhaps a work session but never a business meeting.

Q. So I take it you would have been a party to at least conversations that went on during board sessions?

A. If they took place during board sessions, yes.

Q. Has there ever been any discussion about rolling attendance lines in order to deal with population changes?

A. Again, the discussion of that concept has been initiated by others and not school board or not school administration.



Plaintiffs have proposed that, but those proposals [23] have not met with positive receptions from the school system and the school administration.

Q. Essentially what has been the reaction from board members?

A. Well, it's varied. In many instances the feeling has been, if we have an over crowded situation at one or two schools, why disrupt other schools by changing their attendance lines.

If the problem can be dealt with by making an addition to a school which we have done in some cases, several cases. We have provided classrooms as opposed to changing attendance lines. So the response basically has been, "Let's deal with that particular school and not change attendance lines as a means of addressing the over crowded situation."

Q. How would you describe the board's attitude toward examining the racial implications of any new action or change?

MR. SAMS: Your Honor, a clarification. Is she asking for official reaction or commentary by individual board members?

MS. WILDE: Your Honor, I'm asking for what has been—I think the question could deal with either. But what's been—he's a member of the board. The question is what the Board's reaction has been in looking at those [24] changes. They are all defendants, so I don't think it really particularly matters in terms of evidence.

MR. SAMS: I think it does, Your Honor. One or two Board members could have committed to one or two other persons. Could be conversations. If she's talking about official discussions during a Board meeting, certainly. If she's talking about positions of the Board of Education.

If she's talking about casual conversations heard in the coffee shop. I think that's relevant.

MS. WILDE: Actually, I'm not even sure that's where my question goes. I was asking the Board's attitude toward how it looks at changes, new actions or changes as to their racial implications.

THE COURT: I will overrule the objection, but I expect some explanation what he means by attitude. I will overrule the objection.

THE WITNESS: Would you state your question again?

THE COURT: I think on reflection—I think I will sustain it, because the Board's attitude is expressed only by what appears in the minute book.

Now, if you want to ask an individual's attitude, Mr. X or Ms. Y or something, that's different, but the only attitude that the Board can have is what is recorded in the minute book.

MS. WILDE: Perhaps attitude is the wrong word [25] then, Your Honor.

THE COURT: All right.

BY MS. WILDE:

Q. When new changes, new actions or changes are discussed within the Board meetings, what is the manner of review in terms of their racial implications?

A. If I understand your question and what you are trying to address, I think most of the times the reaction has been what impact will it have on the court order; does the court order permit it; would it violate the court order.

It's been in my opinion for the most part if it does not violate the court order, if it does violate the court order or if in our opinion it violates the court order then we, of course, don't do it.

I just don't feel that the Board has been as proactive as we could have been and should have been.

Q. What in your view as a Board member would happen were the system to be declared unitary?

A. Well, that's difficult to say. It would depend I guess in large part on what prescription the court would give for the system.

I have some concerns, and I have some fears about what might happen or what could happen.



I am not sure that the composition of the Board—in fact, I am sure that it won't remain the same for very [26] much longer. While I have confidence in Dr. Freeman as superintendent, Dr. Freeman is not going to be superintendent forever.

I'm not sure what new Board members' attitudes will be. I'm not sure what a new superintendent's attitude would be.

I am concerned about, and my concern was heightened yesterday when I read an article in the newspaper based on the testimony of Dr. Armor, for example, as it relates to placing a limit of 20 to 30 percent on the number of or percentage of black students at a school through the M-to-M process. In other words, once a school becomes 20 to 30 percent, if I understood that article and if that reflected his attitude and feeling correctly, he testified that he thought that that would be the optimum level of integration, that beyond that you create problems.

Well, we have been in court on that issue before, and the court ruled that 50 percent was the limit and not 20 or 30 percent.

Without the court order, I can't help but be concerned and wonder if we would take steps to implement such a limit.

I am concerned that perhaps the enthusiasm for further desegregation, the enthusiasm for addressing the specific needs of minority students in DeKalb, would be at [27] the same level if there is not the feel or the fear of the compulsion of the court order to do these things.

I would certainly hope that there would be an attitude and a feeling that now that the court order is not there, we have an even greater responsibility, but I cannot predict that with certainty.

Q. What concerns do you have other than the M-to-M in the event there's a declaration of unitary status?

A. Well, I would be concerned about the attendance line changes, whether they would be done with the idea in mind of furthering desegregation as opposed to main-

taining the system, racial makeup of schools as they currently exist.

I would be concerned about whether or not we would be as vigorous in our attempts to bring in more minority teachers to the system, whether or not we would be as insistent to meet the Singleton requirements throughout the system and most especially in the majority white schools in terms of putting more black teachers on staff, whether, you know, if a court order is not there to provide that guideline.

Q. Dr. Freeman described yesterday a number of wonderful programs that are being put into place or projected or contemplated for moving the system forward.

Does that reassure you?

A. Again, I wasn't—I don't know of all the programs [28] that he spoke yesterday, and so to speak to a specific program that would be difficult.

I have confidence in Dr. Freeman, but Dr. Freeman has to work with the Board. It's made up of seven people with rather divergent opinions and attitudes about things. It's not always possible, as Dr. Freeman knows well, to get things done that he feels are the right things to do and in the best interest of the school system in light of having to deal with seven board members.

So while I don't question his intent and his desire, it has to be taken in light of what the board will allow him to do or any other superintendent to do.

Q. What in your opinion, Mr. McGregor, would be the best outcome in this hearing?

A. Well, let me respond this way. I have in the past 18 months been pleased with and have seen things done, I believe—I suspect, I should say, with the idea of preparing for this hearing, that have perhaps moved us further and closer to being unitary than perhaps the previous three or four or five or six years.

I have expressed earlier my reservations about whether or not we are in fact unitary. Without being flippant, perhaps the best thing that could happen would be that



this court would retain supervision for another 18 months or two years, and perhaps those same kinds of things that have been done in the previous 18 months might continue to be done, and the problems perhaps would be solved.

* * * *

TESTIMONY OF MARCIA BOROWSKI

* * * *

[83] BY MS. WILDE:

Q. What was the upshot of many of those situations?

MR. SAMS: I don't understand the question, Your Honor. Upshot of what?

BY MS. WILDE:

Q. What was the decision made—were any of the decisions made to your knowledge based on schools?

A. I believe they were. As I said, it was always a major concern.

For the black families who were looking to move into white neighborhoods, their primary concern was, "What kind of hostility are we going to face in the neighborhood and what kind of hostility are we going to face in the schools? Are we going to be accepted? Is my black child going to get some black cultural experience in the school? Is black history taught? Is there a recognition that blacks exist in the school if we are moving into an all white neighborhood?"

For the white families, it was primarily, "What kind of school situation is our child going to face? Are these schools good? They seem to be heavily majority black. Why is that? What is going to be the quality of the [84] education that our child is going to receive there?"

I would say that for the white families in particular who were looking to move into south DeKalb in particular, that was a major stumbling block, that they were very, very concerned about the quality of the schools, and more often than not did not make the decision to move into south DeKalb.

Q. I would like to shift focus.

Other than your work as a teacher, have you every done any other work in the area of education, Ms. Borowski?

A. I was a School Board member in Michigan before I moved to Atlanta, and I have been a member of the League of Women Voters for 17 years and as such a member of its Education Committee all those years and have worked rather extensively in education in that way, too.

Q. When were you a member of the school board?

A. I think it was in 1973 that I was elected, 1973 through 1977.

Q. How long have you lived in DeKalb County?

A. Ten years.

Q. And do you have any children?

A. Two.

Q. What are their names and ages?

A. A daughter Oralee who will be 19 next month and a son Jonathan who was 21 last week.

## TESTIMONY OF MARCIA BOROWSKI

[91] BY MS. WILDE:

Q. Were there specific desegregation strategies that were considered desirable by the desegregation task force?

A. There was not a whole heck of a lot of unanimity when it came down to actually what we were going to specifically do.

I think that one of the things that we were unanimous about was that there was no doubt about the fact that the black schools in the south part of the county were perceived as being inferior and that that was a major obstacle to further integration of the schools.

Whether that was a perception alone or whether that was a reality was where the task force divided, and there were those who felt it was only a perception, and there were those who felt that was a reality, so that the task



force addressed that problem as the schools need to determine whether the schools are in fact equal and, whatever the determination, there is a perception in the community that the schools are not equal and that that problem needs to be addressed and needs to be addressed right away.

We also looked at magnet schools and, again, there was division there as to how to approach the magnet school problem.

* * * *

[93] BY MS. WILDE:

Q. Why don't we talk a little bit about the notion of middle or junior highs or Magnet, specialty schools for eleventh and twelfth graders? Were those among the things that the desegregation task force took a look at?

A. Yes. We specifically looked at middle schools and thought that that would be a viable way to provide integration.

We recommended that there be middle schools in the central area of the county that would provide an integrative experience and provide the county with middle schools.

That was not a unanimous recommendation from the task force. There were those who were worried that—

THE COURT: You said it was not unanimous?

THE WITNESS: Was not a unanimous recommendation.

There were those that were worried that sixth, seventh and eighth grade is a kind of a wild time for kids and that that might not be the best years to have their first integrative experience.

But it was a proposal, and it was recommendation to the Bi-Racial Committee that this be further explored, that middle schools in the central area of the county that could provide an integrative experience would be a possibility.

[94] We also looked at magnet schools and suggested that that, too, would be something worth looking at but, as I said, we had our concerns as to whether those would bleed off all the good students and provide unequal education between magnet schools and non-magnet schools.

Q. Were there any other specific proposals that were made?

A. We specifically proposed for the M-to-M program. We did encourage further use of the M-to-M program and further promotion of the M-to-M program and that one way to make it better and to make it more viable for the students would be to provide after school activity buses.

One of the main complaints was that children were not able to participate in any of the extra-curricular activities of the school because the minute school ended they had to hop on the bus and go home.

We also suggested that students who tried the M-to-M program be required to stay at least a quarter in the school that they had elected to go to.

There were a lot of students who were dropping out of the M-to-M program within a few weeks or even days of having gone to a new school, and we thought that they really needed to give it a try, because often—they couldn't elect M-to-M again. You only get to make the choice once during your elementary school and once during your high school career to M-to-M, and a number of children were [95] dropping out in the first few weeks.

Q. Let me show you what have been marked as 44, 45, 47 and ask you if you can identify those.

A. Forty-four are I guess minutes to the Bi-racial Committee, copies of which were sent to the task force.

Q. And what do they concern?

MR. SAMS: Your Honor, we would have no objection to those being admitted, and they will certainly speak for themselves.



MS. WILDE: I think they can certainly be admitted. I think—I simply want to make the point that indeed they do deal with recommendatidns made by the task force.

THE COURT: I will overrule the objection.

THE WITNESS: These are November 20th, 1979 meetings, and it references proposals made by the Bi-racial Committee task force to the Bi-racial Committee. One, step up the M-to-M program in the elementary schools.

Two, for the center of the county to have middle schools for all sixth, seventh and eighth grade students in the county.

Three, for neighborhood high schools for grades nine and ten.

Four, to have specialty schools for grades 11 and 12. The purpose for students interested in a certain [96] curriculum could put all study on that interest.

BY MS. WILDE:

Q. How about the rest of those exhibits?

A. Number 45 are minutes of the task force, and those —the major proposals there were to provide a late afternoon bus to allow bus students to participate in after school activities.

Two, to assign bus students to families near the school for dealing with emergencies such as sickness, injuries, et cetera.

Three, to build in incentives to encourage whites to move south and blacks to move north.

Four, to provide awareness of anti prejudice courses, workshops or seminars for students and especially teachers.

Q. And what is 47?

A. That is the summary report of the task force that we made to the Bi-racial Committee.

Q. And when was that?

A. That was March 2nd, 1981.

Q. Thank you.

I believe you testified that you are also a member of the League of Women Voters; is that right?

A. Yes.

* * * *

[99] BY MS. WILDE:

Q. And what did you find as a result of the 1979 study?

MR. SAMS: Your Honor, again, I would object. She's asking—evidently it's a study. The exhibit only refers to a summary of the study and only refers to something to do with A.P. courses.

MS. WILDE: Your Honor, she's testified that she was involved personally in making that study.

MR. SAMS: The highest and best evidence, Your Honor, would be the study, itself.

THE COURT: I will overrule the objection.

THE WITNESS: I was personally involved with the study of the courses in the high schools, and that is the part that I remember the best.

Q. Okay.

A. And, as I had said previously, at that time there were three majority black high schools in south DeKalb County.

We studied all of the high schools in DeKalb County, and we looked at the number of advanced placement courses that were offered in each school, and there were none in the three majority black schools in the south end of the county.

[100] We looked at advanced biology, chemistry and physics courses, and we looked at advanced language courses above the second year, third, fourth and fifth year foreign language courses.



And, again, we found that the majority black schools which at that time were Columbia, Walker and Gordon, did not offer any of these courses.

The majority white schools did with differing numbers. Lakeside, for example, I believe had the most of everything.

We also looked at for eighth grade the number of remedial courses and the number of standard and advanced courses that eighth graders were programmed into. When the child goes into eighth grade, they can take any number levels, number of levels of English or math and basic required courses.

Again, we found that the three majority black schools had a very large number of students in remedial courses in the eighth grade, whereas the majority white schools had a much much higher number of students entering the standard or the advanced level courses.

We broke the schools down into four categories based on percentage white and black so that there were—it was fine tuned, and the more white the school was, the more opportunities for advanced level courses and variety of [101] courses there were. The more black the school got, the less those opportunities were.

Q. How did you decide on what courses to use in that selection?

A. We basically picked those that would be geared toward an academic child going to college.

We—our committee is made up of women from all over the county, several of whom were teachers, board members, former teachers, parents, and a lot of it was based on what we knew about courses that our kids would need for college or teachers knowing what an advanced level course was that would be good, so it was kind of informally done but based on the wisdom of the committee.

Q. Have you done any update of that study?

A. In 1986, when the board asked for the declaration of unitary status, we decided to update that study.

Q. And "we" being whom?

A. The League of Women Voters' Education Committee.

Q. And were you personally involved in that?

A. Yes.

Q. What did you personally do in that study?

A. We tried to look at many of the same factors we had looked at however many years ago that was, seven years ago. We looked at the course offerings again in all of the high schools.

[102] We found that as far as course offerings went, that there had been a marked improvement. There were a number more schools that were majority black than there had been seven years ago, but we found that almost all of the schools—all of the schools, I think I can say, offered at least one advanced placement course and that the schools that previously had offered only first and second year of Spanish were now offering first, second and sometimes third year of Spanish, French and sometimes German.

There were calculus courses available in the majority black schools where there had been none before. There was occasionally an advanced biology or an advanced chemistry course. We found a marked improvement.

We still found differences with the schools, but it was not the gross disparity that we had found before in terms of the course offerings.

Q. What kinds of differences did indeed you find?

A. Again, with the majority white schools and heavily majority white schools in particular, there are third, fourth and fifth year offerings for German, Latin, French, Spanish. There are more languages offered, and there are more advanced levels offered.

In, I believe it's Dunwoody, there are four advanced placement calculus courses available; whereas, I believe in Gordon, there is a calculus course available.



[103] There are differences still in the variety of courses available, the number of sections offered.

Frequently with something like fourth year German or Latin or fifth year, that course is not a separate course with a separate teacher but it's included in the same time slot and in the same room as third year of that language, and the students kind of sit in the back of the room and progress at their own pace if they are at the real advanced level and that there's quite a bit of that going on for the third and fourth year offerings in the majority black schools.

A little bit less of that going on in the white schools. Sometimes there are more full blown fourth year French courses offered which aren't shared with the third year French course.

Q. Did you personally do any update of that study?

A. Yes. I did a few weeks ago.

Q. And what did you use to do that?

A. I used some information that you had supplied me from the schools. I think it's called the teacher locator.

* * * *

TESTIMONY OF LILA M. PARKER

* * * *

[136] BY MS. PARKER: I would say with first time buyers, they frequently are singles or couples. They buy primarily because it's an excellent location, it's good for them. They are not dealing as yet very much with schools.

Those who are upgrading generally are families who do have children of all ages. They would be the ones who would very much consider the quality of the school available in whatever community or neighborhood in which they are going.

The relocation for the most part, those people have lived in other cities in other homes. They do have children. They are frequently told by co-workers, "These are schools or areas that we like, that we live in. Why don't you look in them?"

BY MS. WILLDE:

That third category, the relocators, what counties do they tend to be settling in?

A. Well, I don't know that we could limit that. We know that the fastest growing counties supposedly at this point in time are Cobb and Gwinnett, of course, but also there are areas down—the Clayton County, the Fayette area, growing very quickly. There's a lot of the economy moving down in that direction, so I don't know that I can assess that.

Q. Of the three categories, I believe you said the second, the upgrader, are the ones who pay closest attention to the [137] schools; is that right?

A. Well, those who come in on relocation pay very close attention also. They want good schools for their children.

They frequently have an option of whether they want to go public or private, but I would say that the category where people are most concerned would be the second category that I mentioned, those people who are upgrading, because by that time they have children.

Q. Is the racial composition of those schools imporant to them in your personal experience?

MR. SAMS: Your Honor, I think she needs to qualify the question. I don't know who "them" are, and I need a breakdown on racial lines. We have no understanding from this witness yet who is her clientele.

MS. WILDE: Your Honor, she's testified that she's been selling real estate in DeKalb County for the last eight and a half years. I think that's a sufficient foundation to ask what she's found in her experience on people's preferences.

THE COURT: I took note of that, but then she indicated in a subsequent question that the listing service was hers, and maybe I don't understand it, but I didn't know a listing service was a selling agency.

Are you a real estate agent?

THE WITNESS: Yes, sir.



[138] THE COURT: What company?

THE WITNESS: Alma Fuller Realty.

THE COURT: All right. And you also have the—run a listing service?

THE WITNESS: No, sir. We are members.

THE COURT: I misunderstood you. I thought you said the Metro Listing Service was yours.

THE WITNESS: No, sir. There are two listing services.

THE COURT: Well, all right.

MS. WILDE: She's a realtor, Your Honor.

THE COURT: I understood she said that originally, but then when you identified Exhibit Number 127, I understood her to say that was her listing service. Maybe I misunderstood her apparently.

MS. WILDE: It may have been that that's one that her office uses.

THE COURT: That may be, but I interpreted it being she was operating a listing service.

THE WITNESS: Sorry.

THE COURT: All right.

MR. SAMS: Your Honor, my objection—I have yet to understand where she deals. She may be—

THE COURT: I understand, but that made a difference in she operated a listing service or whether she [139] was selling, too.

MR. SAMS: Exactly, Your Honor.

THE COURT: Do you wish to go—I will overrule the objection. You may go ahead.

You certainly may cross-examine her on it.

BY MS. WILDE:

Q. How important to the people who you sell homes to in your experience has been the racial composition of the schools?

A. It's a consideration. I don't know that it is a total—their total consideration.

I think that primarily they want to know that if they have found a home that they like in a community, that appeals to them, that is convenient and a good location, I don't think that schools can be left out of it if they have children to educate.

Q. And how high would you put the schools on the list of selection factors for choosing a home?

A. I would say that in addition to a good location that's convenient for the family, that it is of a major consideration.

Q. How do you know that the racial composition of schools is important to your clients?

A. Well, of course, one of the things you do if you are trying to find someone a home is to get to know them as well [140] as you can and talking with them as you are driving round.

They have told you a great deal about what they want prior to your ever going to look at homes.

If they have children, they frequently ask me, "What do you think of that school? Is it a good school?"

If I have never had a child in that school, I have to say, "I do not know. If you choose a home in this location, we will go to the school, and we will talk to the principal and we will look around."

That's about the only way I can handle that, because I don't have firsthand knowledge of that school.

But if there are children in the family and they have to get those children in school, it is a consideration.

Q. In your opinion, based on your experience as a realtor, what have you observed to be the racial cutoff point in the willingness of whites to consider a school? What's the comfort level you have observed?

A. Well, of course, it depends on the person with whom you are working. It depends on what kind of agenda they bring to the home they are going to buy.

My own personal experience in DeKalb County, having had a child in the schools, is that—and I'm very reluctant to use numbers. However, I would say that when you get



somewhere around 40 percent there seems to be a feeling that takes over.

[141] Q. And we are talking 40 percent in the schools, 40 percent black in the schools?

A. That's correct. In any particular school.

I think that there might be, that there very definitely could be some apprehension on the part of people who are considering that particular community.

Q. And I guess the final question is, does racial composition in schools in your view have an impact on where people decide to live in DeKalb County?

A. Of course, it certainly can, and there are times in which it does.

Q. Would it be fair to say that it frequently does?

MR. SAMS: Objection, Your Honor. That's leading the witness. I will submit it's leading the witness, Your Honor.

MS. WILDE: I will withdraw the question.

BY MS. WILDE:

Q. How often would you say it has an impact?

A. Well, I would say that at least half the time, possibly more.

MS. WILDE: That's all I have of this witness.

* * * *

TESTIMONY OF ROGER MILLS

* * * *

[190] BY MR. MILLS: The M-to-M transfer option was a part of an H.E.W. mandated standard desegregation plan adopted by the school system after negotiations in 1967.

BY MS. WILDE:

Q. And do you have any information as to how, when it became operational?

A. It was not operational until about 1973-74. There were a handful of students, among them mine, who got

involved in it and were able to transfer, but, of course, without transportation at that time.

Q. And in what year was desegregation, Brown v. Board, implemented in DeKalb County?

A. The Brown case was implemented in DeKalb in 1969 with the implementation of the June 1969 court order.

Q. And did that end all black schools in the system?

A. No. That fall in 1969, there were two schools that were majority black despite the implementation of the court order. The first school was Terry Mill Elementary School which was 76 percent black, and the second school was Stoneview Elementary which was 51 percent black.

Q. How about the other schools? Were they desegregated as a result of that decree?

A. Well, if one identifies a school as being racially identifiable by the fact that it has disproportionate student enrollment, then there would have been several other [191] schools that were racially identifiable.

At that time, you have to remember that the student population was only six percent black, so there were three other schools in addition that were racially identifiable in having more blacks in them than, say, 20 percent above the systemwide average.

Q. And what were those schools?

A. Those schools were Lithonia High School which was about 35, 36 percent black, Hooper Alexander which was 28 percent black, I believe, and—I'm trying to think. The last one escapes me at the moment.

Q. Was it Jim Cherry?

A. Yeah. Jim Cherry. That school closed a little bit later in 1974 at 42 percent black.

And back in that time though, it was, in 1969, it was about, also about 28 percent black.

The other schools though have not closed. Stoneview has remained open. Interestingly enough, after the, after 1969, instead of staying majority black, it dipped down and became majority white. It went down into the forties,



and now—it's out by Lithonia, Your Honor. It went—it dipped down in percentage black, and then it has gone back up until it's a, well, this fall, it will be a 61 percent black school, and—

Q. How about Hooper Alexander?

[192] A. Hooper Alexander was in a racially transitional area, and in the next several years, by 1972, it was a 60 percent black school, and that school still remains open and operational as an all black school today, about 99 percent, something like that, 98 percent.

Q. How about Terry Mill?

A. Terry Mill School, immediately upon becoming—well, that fall in 1969, as a black school, got a black principal and disproportionately black faculty were assigned there, and it has—for the next decade, it had disproportionately black faculty, and it's always had a black principal ever since, and presently it is a 41 percent black—or excuse me. Has a faculty that's 41 percent black, and, of course, is an all black school as far as racial composition and has been since the 1969 order was implemented.

Q. Have you ever attended meetings of the Bi-racial Committee?

A. Yes, ma'am.

Q. And when did you start doing that?

A. Well, the first meeting that, the Bi-racial Committee was in April of 1977, and I have attended up until recently—I have been a little bit lax in the recent months, but until recently, I attended every Bi-racial Committee meeting or maybe every one with one or two exceptions.

[193] Q. Has the Bi-racial Committee reviewed all the boundary changes and proposed school closings and new school construction since it was founded?

A. No, it hasn't. The committee basically did not deal with construction initially, because the school system didn't feel that it had authority over construction.

I think the issue came to a head in 1978 when the system decided to build an addition to Flat Shoals Elemen-

tary School which was then an all black school with three contiguous majority white schools nearby.

That matter was not brought before the Bi-racial Committee. They just wanted to go ahead and do it. And I, sitting out in the audience, had to raise the issue and get the committee to consider it, and that's the way that particular issue got raised, and there was some question about whether there was that authority of the committee to deal with that matter.

On school site purchases which are, which you have got to buy the land or have the land before you build the school, there was, there's been, there was a problem in which the school system did in fact bring before the Bi-racial Committee, I believe it was around 1980, a proposal to buy land in the north Lithonia area called the Stevenson Road site.

The Bi-racial Committee sought to get from the [194] school system an idea of whether that would be used for a site which would pull off some of the whites from Lithonia and convert Lithonia from its transitional or almost black state to a majority black school, and because the system was not able to provide any such assurance, the Bi-racial Committee opposed the purchase of the property.

The school system went ahead and bought the property over the objections of the Bi-racial Committee.

Q. Before the Bi-racial Committee was established, how were those kinds of boundary lines and construction issues dealt with?

A. Before the Bi-racial Committee was established, the school system at the end of the school year would notify the court of the construction and zone changes that it had already implemented, but it would not, of course, have the court approve them or seek court approval or anybody's approval before it implemented them.

Q. You live in the—is it the Bob Mathis attendance area?

A. Yes, ma'am.



Q. Have there ever been and blockbusting in that area?

A. Yes. The Bob Mathis attendance area—Your Honor, it's near I-20 and Wesley Chapel area there near southwest DeKalb High School.

When I moved in, was a white neighborhood . . . .

* * * *

[200] BY MR. MILLS: Well, the school system definitely was not going to change the attendance line. That was made very clear. They said that—the school officials then in charge said that Dr. Adams was without authority to have made the assurance that he did in fact make.

And they eventually voted through school board action to deny those children access to Briarlake Elementary School so that the kids didn't get to go.

BY MS. WILDE:

Q. Let's focus—

THE COURT: When was that, Mr. Mills?

THE WITNESS: I believe the school closings occurred in 1983, and the denial of access occurred in 1985.

THE COURT: That was after the Lakeside litigation?

THE WITNESS: Yes, sir.

BY MS. WILDE:

Q. I would like to shift gears again to talk a little bit about faculty and Singleton. I believe you have prepared an exhibit summarizing some of the documents already in evidence on that point; is that right?

A. Yes, ma'am.

[201] Q. Can you explain what it is you have done, what you have reviewed, what documents you have looked at to generate this exhibit?

A. Yes. What I have is basically a summary, a compilation of those schools which deviate from the 1969 and 1976 court orders with respect to the assignment of faculty from 1969 through the current or the most recent school year.

That information was gotten from defendants'—I don't see an exhibit number on it. It's a computer run that was done and—I think I'm getting some assistance.

Q. It may well be 41. I'm not sure.

Why don't you take a quick look at it so the record is straight?

MS. WILDE: It is indeed Exhibt 41.

THE WITNESS: From Exhibit 41. And then I simply put down the, what the court orders said, basically, the—should I proceed?

BY MS. WILDE:

Q. Why don't you explain what indeed the chart says?

A. Basically what the charts shows is that the school system has had about 18 years of opportunity to comply with two different faculty assignment orders and has not been successful in one of those 18 years.

Q. When you—what were you using as the compliance standard as you generated this chart?

[202] A. The—I used for the first several years the 1969 court order. Basically, the 1969 court order states teachers, principals and staff members shall be assigned to schools so that the faculty and staff is not composed exclusively of members of one race.

For the first several years, there were a number of schools that had, after the order was implemented, there were a number of schools that had no black teachers assigned to them.

There were in addition about, I believe there were about, that are not on this chart, something like 38 or 39 additional schools that had maybe one teacher, one black teacher assigned to it but I didn't count those



schools because of the following wording. It says, "whenever possible, teachers shall be assigned so that more than one teacher of the minority race, white or Negro, shall be on the desegregative faculty."

Since it had the words "whenever possible," I felt that there was some leeway there and shouldn't count those schools.

Then on the black schools, there's another provision in the court order. It says, "The county board shall establish as an objective that the pattern of teacher assignment to any particular school not be identifiable as tailored for a heavy concentration of either Negro or white [203] pupils in the school."

I used for that particular standard, any school in excess of ten percent of the system wide faculty ratio, racial ratio.

For example, if in elementary schools it was—I will just make up a figure, let's say it's ten percent. I wouldn't count it unless it were above, not at but above 20 percent.

Q. Okay, and that's indeed how the first then two pages of this chart are done until we reach the 1976 court order; is that right, sir?

A. Right. That was the order—those were the orders under the, the requirements that the school system was under through 1966.

Q. '76, is it?

A. '76. Excuse me.

Then in November 3rd, 1977, the court through the late Judge Edenfield issued a second order dealing with faculty assignment, and at that point I used that standard. That standard says that, "The ratio of black to white teachers in each school must be substantially similar to the system wide racial ratio. Defendants are required to reassign teachers with all deliberate speed so that the racial distribution of faculty at all schools approximates the distribution of faculty in the entire system."

[204] This is what is often referred to as the Singleton ratio.

Q. And, again, what were you using as you were looking at the black schools in the far right column?

A. Both the black and the white schools, I used in excess of ten percent variation from the school system.

For example, in the most recent school year, there are six schools that are out of compliance. The elementary standard is 28 percent. That means the system wide percent black faculty is 28 percent, and there are four white schools that are less than 18 percent, and there are two black schools that are more than 38 percent.

Q. And this was done using Defendants' Exhibit 41; is that right?

A. That's correct.

MS. WILDE: Your Honor, I would offer this document into evidence as a chart summarizing Defendants' Exhibit 41.

MR. SAMS: We would object, Your Honor, because what he has on this chart is schools not complying, and there's been no testimony—no ruling yet what is in compliance. That's part of the task of this court.

As to his numbers, if he wants to say these are the schools that he studied and found there was a deviation of more than ten percentage points above or below, I can [205] understand that.

THE COURT: That's what he's testified that he's calculated.

MR. SAMS: But I only take objection with the compliance.

THE COURT: What's the exhibit number?

MS. WILDE: This will be 128, Your Honor.

THE COURT: You don't object to it being beyond the numbering?

MR. SAMS: No, Your Honor.

THE COURT: All right, sir. I will admit 128.



BY MS. WILDE:

Q. Have you done any examination of the current racial composition of the—current racial assignment of the principals within DeKalb County schools?

A. Yes. The—yes, I have.

Q. And what were you using in order to make that?

A. I'm sorry. I can't hear you.

Q. What document did you use in order to—where did you pull the numbers?

A. I believe I checked them against Defendants' Proposed Findings of Fact.

Q. All right, sir.

A. And I believe also they were—well, I can't recall the exhibit number.

[206] Q. They are defendants' figures? Is that what you are saying?

A. Yeah.

Q. And indeed, what are the numbers that you found in terms of numbers of black and white principals and assignments?

A. Well, you have 29 black principals, and 19 of those are in black schools. You have 55 white—wait a minute. I believe you have 63 white principals, and 53 of them are in white schools, so there seems to be some sort of correlation between principal assignment and racial composition of the students, predominant race of students served in the school.

Q. There was also some questions this morning about getting more black teachers into the black schools. Was that ever addressed by you to the Bi-racial Committee or to the system?

A. Yes. One of the problems that has been—there's been a tension, I think, Your Honor, between the need to get more black teachers in the system as a whole without taking the teachers from the black schools and putting them into the white schools.

Basically, the people with whom I am familiar have not sought to achieve the Singleton ratio by taking any

black teachers out of the black schools but rather meeting it this way, by adding more teachers to the system as a [207] whole and bringing the black teacher level up overall so that the black schools would not be out of compliance.

Indeed, a delegation consisting of—

THE COURT: You mean so that the white schools—

THE WITNESS: Pardon?

THE COURT: Didn't you say so that the black schools wouldn't be out of compliance?

THE WITNESS: Yes. Basically, the—the black schools had for the most part had disproportionately black teachers, and the white schools usually for the most part in recent years have, except for the most recent years, have been almost in compliance or just barely into compliance.

Basically, what the idea was was to hire more teachers as a whole rather than taking your existing pool of teachers and simply taking them out of black schools and adding them to white schools.

So what we did in 1978, there was a delegation of Dr. Eugene Walker and myself and I think the principal or the P.T.A. President of Gordon, and we tendered a proposal to the school system basically asking that they do their utmost to hire some more black teachers.

In 1980, two years later, the Atlanta S.M.S.A., relevant labor market of black or of elementary and secondary teachers, was about 26 percent black, but still two years after our proposal the school system only had 20 [208] percent black teachers, and what we were doing was basically urging them to do their darnedest to hire more black teachers and to comply with Singleton by that means.

BY MS. WILDE:

Q. I have just one final question.

There was—in your view, is it true that no child currently attending school in the system has ever attended a racially segregated school before?



A. Well, segregation is segregation, and the children in the schools don't make any distinction. About 17,000 of the almost 34,000 black children in the school system are in schools that are 90 percent or more black.

Those children, I think, do have the opportunity to M-to-M, but the burden is on them as opposed to being on the system.

Segregation is still segregation, so they either have to, have to assume the burden of desegregating, themselves, or they have to continue in the segregated situation.

MS. WILDE: I have no further questions of this witness.

* * * *

TESTIMONY OF STEVEN PARKER COLE

* * * *

[8] BY MS. WILDE:

Q. What categories did you use initially for purposes of this analysis?

A. Okay, the initial categories were based upon racial identifiability, and the categories, the types of schools were three in nature.

The Type I School which we can label long-term white schools, were schools that were less than 50 percent black in 1976 and less than 50 percent black in 1986.

The second type of school, called Type II, you can label them long-term transitional, schools that were less than 50 percent black in 1976 but are greater than 50 percent in 1986.

The third type of school, long-term black schools, were greater than 50 percent in 1976 and remained greater than 50 percent in 1986.

Q. Doctor Cole, let me show you what has been marked as Plaintiffs' Exhibit 96 and ask you if you can identify that?

A. This is a list of the elementary and high schools broken out by type of school.

Q. Thank you.
THE COURT: What is that exhibit number?
MS. WILDE: 96.

BY MS. WILDE:

Q. Who defined these categories, Doctor Cole?
[9] A. I believe they were originally defined by Dr. Robert Dentler.

Q. Did you compare that typology with any other measures of racial composition, Doctor Cole?

A. I did. I compared them with four other kinds of measures.

Q. And what were those measures?

A. Percent black students in individual years. We use percent black students in 1984, '85 and '86. I also compared them to the average black percentage over three time spans, '76 to '84, '76 to '85, and '76 to '86. I also compared them to two other measures that have been used in this kind of case. The dissimilarity index and the racial exposure index.

Q. What tests were run on these measures? How did you compare them?

A. They were tested correlationally.

Q. And what was the result of that test?

A. The result of these tests were that these—all these different measures were highly related to one another, highly interrelated.

Q. And what does that tell you?

A. It tells you that they are essentially measuring aspects of the same thing.

Q. So, essentially what you are saying is the typology, for example, is measuring the same as those other racial measures?
[10] A. That's correct; that's correct. It demonstrates an aspect of validity of the typology.

Q. After you checked on the typology, what else did you do, Doctor Cole?



A. I utilized the typology to evaluate a number of treatment aspects of the school system and a number of outcome measures.

Q. And what do you mean by "treatment aspects?"

A. Excuse me. Aspects that are under the control of the system, the school system, things like number of books in the library, where teachers of various educational levels are placed in schools, years of teaching experience that a teacher might have, expenditures per school, variables of that nature.

Q. And what do you mean by "outcome measures?"

A. Outcome measures are variables—student measures that one might assume to be outcomes of the educational process, achievement test scores, percentage of students at a particular school that are not promoted.

Q. How did you determine which characteristics and outcome measures you would use?

A. Most of these measures were available or were requested before I was involved in the case. They were somewhat limited by what the defendants proffered. Some of the variables are requested, I believe, by Doctor Dentler.

Q. What kinds of analyses did you run on these variables?

A. I ran what are called analyses of variance.
[11] Q. And how did you—how did you classify the schools for these analyses purposes?

A. Okay, let's take the elementary schools, for example. There are 45 elementary schools that are in the —45 that are in the Type I category, 14 in the Type II category, and 14 in the Type III category.

So, for each of these treatment measures averages or means were calculated by type of school, and then those averages were compared to one another to see if there were any differences between these types of schools.

Q. And did you do any statistical analyses of these differences as well?

A. Yes. The analysis of variance or its acronym, ANOVA, is the statistical test that's used.

Q. Let me show you what have been marked as Plaintiffs' Exhibits 86 and 87. I think you may have these separately, they are very large, and simply ask if you can identify these?

A. These are two copies—copies of two computer printouts. One is for elementary schools, one is for high schools, and these are the results of the analyses of variance.

MS. WILDE: Your Honor, I think they may have been in a separate folder because they are so huge.

THE COURT: All right.

BY MS. WILDE:

Q. And what, again, is ANOVA, Doctor Cole?

[12] A. It's a statistical test to determine whether or not the averages or means, and I will use these terms interchangeably, they mean the same thing, whether they are significantly different from one another.

Q. And what was your criteria for determining levels of statistical significance?

A. I used the criterion that's used in science and law, probability value, and the criteria goes something like this. When there's a less than five percent chance or five percent probability that your pattern of data is happening by chance, by chance alone, then your findings are considered statistically significant. So, the more the averages of the three types of schools might differ from one another the more likely the analysis of variance would be statistically significant.

Q. And did you do elementary and high school together?

A. I did them separately.

Q. Okay.

MS. WILDE: Your Honor, I'm going to be going through a series of charts. You have them in small form in your binder, and I will be putting up a slightly larger version on the board.

THE COURT: All right.



BY MS. WILDE:

Q. Doctor, let me show you what have been marked as [13] Plaintiffs' Exhibits 97(a), (b), and (c). What are those? What are those charts?

A. These are bar graphs where each of the bars represent the years of teaching experience for teachers in each of the three types of schools.

Q. What was the source of your data for this chart?

A. Okay, the course of these data were the teacher computer tapes supplied as to me by the school system.

Q. Okay.

MS. WILDE: Your Honor, at this point I would simply point out there has been a stipulation as to the accuracy of those tapes. It is Stipulation Number 14.

BY MS. WILDE:

Q. Would you please explain, let's start with Chart "A", what this chart shows.

A. Okay, the vertical axis, the height of the bars represents the average number of years of teaching for each type school.

So, for example, the Type I school, it has the figure 9.55 at the top of the bar. That means on the average the 45 elementary schools had nine and a half years of teaching experience in DeKalb County.

When you move over to Type II, the transitional schools, the average number of years of teaching experience in DeKalb is 6.45.

[14] When you move over to have the Type III kind of school, the average years of teaching is 5.24.

Q. Are those means statistically different from one another?

A. They are. Using the analysis of variance and some techniques, other statistical techniques, it has been determined that Type I is statistically different from II, II is different from III, and I is different from III. These averages were so different from one another, the probability of this pattern of data occurring by chance

is less than one in ten thousand. These are highly statistically significant findings.

Q. And this was for 1984-'5, is that right, Doctor?

A. That's correct.

Q. And you also have a chart for 1985-'6, do we not, 97(b)?

A. Yes, we do.

Q. And could you please tell us what that shows?

A. This essentially shows the same pattern as the '84-'85 data. It shows Type I with average number of years experience, 10.22, Type II has 6.9, and Type III is 5.46.

Q. Again, what is the statistical significance of that?

A. All three groups are statistically different from one another.

Q. And 97(c) I believe is '86-'87. Could you tell us what you found there?

A. In this case, in 1986-87, in the Type I schools, [15] significantly different from Type II and from Type III. In this particular instance, Type II and III are close enough together that they are not statistically significant.

Q. And am I correct that both Type II and III are now over 50 percent black?

A. That's correct.

Q. What are the numbers there, Doctor Cole?

A. For Type I you have 9.79 years of teaching experience; Type II, 6.36; and Type III, 5.19.

Q. Let's move to another area.

Let me show you what has been marked as Plaintiffs' Exhibit 99 and ask if you can tell me what that concerns?

A. This concerns the highest level of educational attainment for DeKalb's teachers.

Q. And, again, what is the source of your data for this, Doctor Cole?

A. These data come from the 1986 teacher tape, computer tape.



MS. WILDE: Again, covered by the same stipulation, Your Honor.

BY MS. WILDE:

Q. Can you please explain what we see on the chart on Plaintiffs' Exhibit 99?

A. Okay, in 99 the height of the bars reflects the average percent teachers with graduate degrees teaching in each of the [16] three types of schools. A graduate degree was defined as a Master's, a Ph.D., or Specialist's Degree.

Q. And what do we find when we look at the typology of the three types of schools in this case, Doctor Cole?

A. Well, in Type I, the long-term white schools, approximately 75 percent of the teachers have graduate degrees.

In the Type II schools, the transitional schools, 62 percent of the teachers have graduate degrees.

In the Type III schools, the long-term black schools, 53 percent of the teachers have graduate degrees.

Q. What is the statistical significance of these differences, Doctor Cole?

A. The differences between the three types of schools are statistically significant between I and II, and I and III, and between II and III.

Q. And what does that mean about the probability of that occurring by chance, Doctor Cole?

A. The probability of this happening by chance is minimal.

Q. And, again, the meaning of "minimal" in this case would be what in terms of level of statistical significance?

A. It means that there is less than a five percent probability that this particular pattern of data is happening by chance.

Q. Let's turn to, yet, another area for elementary schools. [17] Let me show you Plaintiffs' Exhibits 101(a), and 101(b).

A. Yes.

Q. Can you tell me what it is that we are looking at on those graphs?

A. Once, again, we have the same bar graph format, and in this case the height of the bars represents the average percent of teacher turnover in the three types of schools, and "turnover" is defined as teachers who resign, who leave for one reason or another, or reassigned or transferred out of the schools. These figures are compared to the numbers of teachers who are present in the beginning of the year.

Q. Let me show you what has been marked as Plaintiffs' Exhibit 9 and ask if you can identify that?

A. This is the tables of staff turnover that I utilized to make the calculations.

MS. WILDE: Your Honor, again, we have of the Stipulation Number 16 as to the accuracy of the information contained in these tables.

BY MS. WILDE:

Q. Can you please explain what it is we are seeing when we look at teacher turnover '84-'5, which is 101(a)?

A. Well, for the Type I schools there are approximately eleven percent of the teachers in 1984-'85 who left for one reason or another.

In the Type II schools, 23 percent of the teachers [18] turned over, over twice the number.

Q. And that's on the average?

A. On the average, those schools in that particular type.

Q. How about about Type III?

A. Type III you have approximately 20 percent turning over.

Q. And, again, what's the statistical significance of those differences?

A. In this particular case, the differences between II and III are not significant, but Type I is statistically significant from both Types II and III.



Q. So, basically Type I, which is the white schools, is different from both II and III, both of which are black schools at this point, is that correct?

A. Correct.

Q. And do we also have information for '85-'86 concerning teacher turnover?

A. We do.

Q. And is that 101(b)?

A. Yes, it is.

Q. Can you please tell us what we are seeing there, Doctor Cole?

A. We are seeing the same measure, but now in 1985-86, and the same pattern maintains, that the Type I schools, the largely white schools, are significantly different from the Type II and Type III schools.

[19] Q. Let's turn to yet another treatment characteristic, Doctor Cole. Let's look at Plaintiffs' Exhibits 103(a) and (b). What are we looking at there?

A. Okay, for DeKalb County's elementary schools in the 1984-'85, we are looking at a number of library books per student by type school.

Q. Let me show you what has been marked as Plaintiffs' Exhibit 54 and ask if you can identify that.

A. This is the source of my data for this particular exhibit.

MS. WILDE: And, Your Honor, we have Stipulation Number 13 by Defendants as to the accuracy of this exhibit.

BY MS. WILDE:

Q. Can you tell us what we are seeing here, Doctor Cole?

A. The height of the bar in these graphs represents the average number of books per student in the schools, in each of the three types of schools.

The Type I school, largely white schools, we have on the average 23 books per student; Type II schools, 16; and the Type III school 17 books.

Q. What's the statistical significance of that?

A. Type I is statistically different from both Types II and III.

Q. And we also have that data for '85-'86, do we not, on 103(b), Doctor Cole?

[20] A. We do.

Q. What are we seeing there?

A. Same pattern. We see the Type I school being significantly greater than either Type II or Type III schools.

Q. Let's switch to per pupil expenditure.

Doctor Cole, let me show you what has been marked as Plaintiffs' Exhibit 104 and could you please tell me what we are taking a look at there?

A. These are the expenditures per pupil by type of school, 1984-'85, and the expenditures is calculated on the document I received, total expenditures divided by the average daily attendance in the schools.

Q. Let me show you what has been marked as Plaintiffs' Exhibit 4 and ask if you can identify that?

A. This is the exhibit from which I gathered the data.

MS. WILDE: And, again, Your Honor, we have Stipulation Number 19 as to the accuracy of this exhibit.

THE COURT: All right.

BY MS. WILDE:

Q. Can you please show us what we are seeing on this exhibit, Doctor Cole?

A. Well, we have our three types of schools, three types elementary schools, and for the Type I school, the largely white schools, on the average for those schools the expenditures per pupil were $2,833.

[21] For the Type II school, the transitional schools, on the average the expenditures per pupil were $2,540.

For the Type III, the expenditures per pupil were $2,492.

Q. And, again, what is the statistical significance of those differences, Doctor?



A. The Type I school was significantly greater than either Type II or Type III.

Q. Let me show you what has been marked as Plaintiffs' 105 and ask you what variable we are looking at?

A. These are the number of students who were retained, that is, not promoted, in 1984-85. In DeKalb's elementary schools.

Q. Let me show you what has been marked as Plaintiffs' Exhibit 7 and ask if you can identify that?

A. These are the data that indicate the number of students who were retained instead of being promoted.

MS. WILDE: And, Your Honor, we have a Stipulation Number 25 as to the accuracy of this information.

BY MS. WILDE:

Q. Can you please tell us what it is we are seeing on this chart, Doctor Cole?

A. We are seeing the average percentage of students who were retained in the particular schools as defined by the typology, and what we see is that two percent of the students in the Type I schools were retained, whereas in Type II four percent [22] were retained, and in the Type III school three percent were retained.

Q. Is there any statistical significance to these differences?

A. There are. The Type I schools are significantly less than either Type II or Type III schools.

Q. And it is statistically significant?

A. Yes.

Q. Let me show you what have been marked as Plaintiffs' Exhibits 107(a) and (b) and ask you what it is we are taking a look at there, Doctor Cole?

A. This particular graph is labeled "Grade Seven Reading Level Failures by Type of School."

Q. And can you explain briefly what that is?

A. It's a measure of grade seven students' failure to complete reading series levels and, yet, being promoted.

Q. Let me show you what has been marked as Plaintiffs' Exhibit 6 and ask you if you can identify that?

A. These are the number of students by race who completed grade seven but did not complete the series level in reading and mathematics.

Q. Just so I understand, you are saying they are being promoted without completing their levels, is that essentially right?

A. That's correct.

[23] MS. WILDE: Your Honor, we have a stipulation as to the accuracy of this. It is Stipulation Number 22.

BY MS. WILDE:

Q. Can you please explain what it is we are seeing there? What are the graphs showing us, Doctor Cole?

A. We see for Type I that 33 percent of the students in grade seven have reading level failures. For Type II schools it is 64 percent. For Type III schools, the largely black schools, the figure is 70 percent.

Q. What is the statistical significance of those differences, Doctor?

A. The Type I schools are significantly different from both Type II and Type III school.

Q. The Type III is about double Type I, is that right?

A. It's more than double.

Q. Let's look now at 107(b), what is that showing?

A. (b) shows the same kind of data, but now we are dealing with math level failures. The Type I schools have 51 percent rate, Type II have a 73 percent rate, and Type III have a 75 percent rate, and the Type I is significantly different from both Types II and III.

Q. Doctor, did you also look at that variable by race?

A. I did.

Q. What were your findings?

A. I found that higher percentages of both blacks and [24] non-black students failed in Type II and Type III schools. That was for reading levels.

When math levels were examined, higher percentage of blacks failed in Type II and Type III schools.



Invariably for both reading and math levels, a higher percentage of black than non-black students failed in non-black schools.

Q. Can you tell us what those numbers are, since we don't have a chart that does that for us, Doctor Cole?

A. Let's deal with reading level first. For the Type I school the figure is 46.1. For non-blacks it's 29.1.

For Type II, it's 67.4 for blacks. For non-blacks it's 48.2.

For Type III school, the figure is 70.0 for blacks and 41.2 for non-blacks.

Now let's switch to math level failures. For the Type I school, for black students it's 64.0. For non-blacks it's 46.3.

Type II, it's 76.2 black, 56.5 non-black.

For Type III, it's 75.8 and 38.2 for non-black.

THE COURT: That's the lowest figure of all of them.

THE WITNESS: I think the lowest figure was non-black in Type I.

THE COURT: What was it?

THE WITNESS: 29.1.

[25] THE COURT: 29. All right.

BY MS. WILDE:

Q. Let me show you what have been marked as Plaintiffs' Exhibit 108. We have three, (a), (b) and (c). What are we looking at there, Doctor Cole?

A. This is a slightly different form of the bar graph —of the bar graphs we have been looking at. These are the—this is a representation of the Singleton Index by type of school.

Q. What's the Singleton Index, Doctor?

A. It's a measure of the percentage black teachers in a particular school when it is compared to the system-wide percentage black teachers.

Q. And what do you get as the range that that index can vary from?

A. Let me give you an example. If you have—if the district-wide percentage black teachers is 27 and the par-

ticular school in question had 27 particular black teachers, the Singleton Index would be one.

THE COURT: Would be one or zero?

THE WITNESS: It would be one. 27 divided by 27. But on this particular graph it would be zero.

THE COURT: All right. Excuse me.

THE WITNESS: Okay. You are ahead of me.

A. So, we are dividing percent black teachers in the school by percent black teachers in the district. So, if the number [26] of teachers in a school is lower than the overall district-wide figure, then your number is going to drop below one, means that black teachers are underrepresented in that school. The reverse would happen if there are more black teachers in that particular school when compared to the district-wide percentage.

Q. Is that how that chart is done, Doctor Cole?

A. No.

I did the chart as a deviation from the Singleton Index. The zero level on this particular chart would represent a Singleton Index of 1.0. If a school or group of schools on the average had Singleton Indices lower than one, then the bar would drop below that zero line. If there was overrepresentation of blacks, black teachers in the school, then the bar would be above the zero line.

Q. And, again, are we looking at schools individually, or how are we looking at schools?

A. We are looking at them by type. We are looking, on the average, for Type I 45 schools, in Type II 14 elementary schools, and Type III 14 elementary schools.

Q. What was the source of your data for this exhibit?

A. These data were taken directly from the computer teacher tapes.

MS. WILDE: Again, Your Honor, we have stipulations as to their accuracy.

[27] BY MS. WILDE:

Q. Could you tell us what we are seeing as to '84-'85 in elementary schools, Doctor Cole?



A. On the average, the Type I schools are underrepresented with black teachers. The figure there is minus .10.

On the average Type II schools are somewhat overrepresented with a figure of .06.

The Type III schools are over represented by a figure of .26, meaning that the Singleton, on the average, the Singleton Index for the Type III schools is 1.26

Q. And can you explain the statistical significance of those differences, Doctor Cole?

A. When you compare these averages statistically, Type I is different from Type II and Type III, and Type II is different from Type III as well.

Q. Did you run analyses of the years on Doctor Cole?

A. I did it for '85-'86, and '86-'87.

Q. Tell us what we see on I believe that's Chart 108(b) for '85-'86.

A. For "b" the pattern is slightly different, although Type II schools and Type III's are overrepresented by black teachers, they are not significantly different from one another, but the Type I school is significantly different from the largely black schools. The figure for Type I is minus .2, and, again, this is a deviation from Singleton.

[28] Q. Minus what, Doctor?

A. .12.

Q. All right.

A. For Type II it would be .16, and for Type III it would be .23.

Q. Let's take a look at '86-'87?

A. Okay, for '86-'87 we have a more distinct pattern. You have a deviation from Singleton in the Type I schools of minus .17, for Type II schools the deviation is a plus .10, and for the Type III schools the deviation now in 1986-87 is .44, representing on the average of Singleton of 1.44, representing an overrepresentation of black teachers in those schools.

Q. I believe that figure is almost double what it was in '85-'6, is that right?

A. The deviation is, yes.

Q. And, again, what is the statistical significance of those differences?

A. All three types of schools as reflected in that chart is significantly different from one another.

Q. Let me show you Plaintiffs' Exhibit 110. Please tell me what it is we are looking at there, Doctor Cole.

A. This is a chart of the—some of the results of the California achievement testing done in the DeKalb County elementary schools in the fall of 1984.

Q. And what was the source of your data for that chart?

[29] A. It was an exhibit delivered by defendants, and I do not have the exact number.

Q. Would exhibit "h" refresh your recollection, Doctor Cole, or do you know?

A. I don't know.

MS. WILDE: Your Honor, we do have a Stipulation Number 20 as to the information provided by the defendants as to the CAT on their interrogatory answers and to their accuracy.

BY MS. WILDE:

Q. Can you tell us what it is we are seeing on that chart by type, Doctor Cole?

A. These data is prepared by Defendant of the combination of reading and math scores on the California Achievement Test, and for the purpose of this exhibit they are measuring them N.C.E. scores, normal curve equivalent, and what you see on this chart are the averages for the combination of reading and math for grades two through seven.

Q. Okay.

And can you tell us what we are seeing for the various types, Doctor Cole?

A. Okay, for Type I the average N.C.E. scores are 127.44; Type II, 103.07; and for Type III, 88.71.

Q. And what is the significance of those differences, Doctor Cole?



[30] A. Each of the three types of schools are significantly different from one another.

Q. We have been talking about elementary, have we not?

A. Yes, we have.

Q. Let's switch to high school on some of these same level—same treatment characteristics.

What were the data sources for the high schools?

A. They were the same as the sources in elementary schools.

Q. Let me show you Plaintiffs' Exhibit 98, and I believe we have (a) and (b) on these. What are they looking at there?

A. For this is years teaching in DeKalb County by type of school and for (a) it's '84-'85.

Q. What are we seeing in terms of the average years teaching by type?

A. For Type I, we have an average experience level of 7.99 years for these largely white schools. For Type II, the transitional schools on the average, for those schools the experience level is 6.83 years. For Type III the average numbers of years teaching in DeKalb County is 5.34.

Q. Again, what is the statistical significance of those differences?

A. In this particular analysis, the Type I school is significantly different from the Type III school.

Q. Let's switch to '85-'86. What do we find there, Doctor Cole?

[31] A. Essentially the same pattern. In '85-'86 for Type I, the average years experience is 8.74. Type II is 7.14. For Type III it is 5.68. Once, again, Type I is significantiy different from Type III.

Q. And I was wrong. We have a 98(c). '86-'87, what do we find there, Doctor, Doctor Cole?

A. We find that the average years of experience now for Type I is 8.9; Type II is 7.08; and Type III is 4.91. For '86-'87, Type I is significantly different from both Type II and Type III.

Q. Over the years, what direction has the Type I been moving?

A. Over the years the Type I schools have moved from 7.99 to 8.74 to 8.90, slight increase.

Q. And how about the Type III?

A. Type III moves from 5.19, 5.34, 5.68.

Q. Let's try those again. What is '84-'85?

A. I'm sorry. I'm reading off the wrong—I was reading from elementary there. I was wondering why you asked that.

'84-'85, the figure is 5.34. For '85-'86, it is 5.68. Then in '86-'87 it drops to 4.91.

Q. Let's take a look at Plaintiffs' Exhibit 100. What is that?

A. It's teachers' level of educational attainment for '86-'87, broken out by type of school.

[32] Q. And generally what do we find there?

A. What we find here is that the Type I school, on the average, have more—a larger percentage of them have graduate degrees than either Type II or Type III schools.

Q. At a statistically significant level, Doctor Cole?

A. Yes.

Q. How about 102, what are we looking at there?

A. Okay, 102, you've got for '84-'85, once again, we are looking at teacher turnover, and for the DeKalb high schools in 1984-'85 the average percent teacher turnover is 17 percent.

Q. For which kind of schools?

A. Type I, 17.09 percent; for Type II, it's 27.30 percent; and for the Type III schools, the largely black schools, the percentage of turnover is 32.63.

Q. You say "largely black". Are Type II also largely black?

A. That's correct. Type III have been largely black for over a decade.



Q. What is the statistical significance of those differences, Doctor?

A. The Type I schools are statistically different from Type II's and Type III's.

Q. Let's turn to another year. 103(B) shows '85-'86, does it not?

A. That's correct.

[33] Q. And what do we find there by type?

A. By type we find 12.59 percent of the teachers in Type I turning over, 19.58 in the Type II teachers turning over, and 31.42 percent of the Type III teachers turning over. Now in 1985-86, all three times of school are significantly different from one another.

Q. And what is 106? What does that show?

A. All right, 106 is a representation of student retentions by type of school for DeKalb high schools in 1984-'85.

Q. And what do we show there?

A. What we show are for the Type I schools 4.0, 4 percent of the students are retained, not promoted. 8.35 of the Type II students are not promoted. 14.26 percent of the Type III students, in the Type III schools, are retained.

Q. What is the statistical significance of those differences?

A. All three types are significantly different from one another.

Q. What is 109? We have (A), (B) and (C), I believe, on 109.

A. We are back to the Singleton Index, now we are doing it for the high schools in contrast to the elementary schools.

Q. Are we using the same mode of calculating the index, Doctor Cole?

A. Same form.

[34] Q. Can you please tell us what we see for '84-'85?

A. '84-'85, we see the Type I schools underrepresented with black teachers. The deviation is minus .08, the Type

II schools, a very slight overrepresentation, and for Type III schools the deviation from index of 1.0 is 3.6.

Q. On the average?

A. On the average.

Q. And the statistical significance of those differences?

A. Type III is significantly different from both Types II and III.

Q. Let's look at '85-'86. What do we see there?

A. This is, once again, the Singleton Index. For Type I schools there's an underrepresentation of .12, negative .12; Type II schools have a deviation from Singleton of .08; and for the Type III schools the figure is .01.

Q. The statistical significance of that difference?

A. All three times are significantly different from one another.

Q. And let's look at '86-'87 for high schools. What do we find there?

A. For '86-'87 we find Type I to be underrepresented with white teachers—underrepresented with black teachers; the figure is minus .10.

The Type II schools are overrepresented. The figure is .09.

[35] For the Type III schools the deviation from Singleton is .29.

In this particular year Type I schools are significantly different from Type II's and III's.

Q. Finally, let's look at Plaintiffs' Exhibit 111. What does that show us?

A. This is the California Achievement Test for reading and math for grade nine.

Q. Is that the only year you had, Doctor Cole?

A. That is.

Q. And can you please tell us what we find by Type There?

A. We find the average N.C.E. scores for the Type I schools to be 122.43; for the Type II schools, 98.40; for the Type III schools it's 77.67.



Q. And the significance of those differences is what, Doctor?

A. Type I is significantly different from Type II and Type III.

Q. This is, again, at the .05 level, is that correct?

A. That's correct.

Q. Using these same kinds of analysis of treatment characteristics, did you do any other kind of graphs?

A. I did, I did.

Realizing that we had many, many bar graphs here, many different kinds of measures, I put together a summary or [36] composite bar graph.

MS. WILDE: Your Honor, you don't have a copy of that in your—this is done by—I'm not sure color will help, but that is done by color, and I have given a copy—I have one for you as well.

LAW CLERK: Thank you.

BY MS. WILDE:

Q. What do we have there, Doctor Cole?

A. This is a summary graph of the resource or treatment variables and the outcome measures by type of schools. We have got three groups of bars here. For Type I we have got a group of them, for Type II we have a group of them, and we also have a group of them for Type III.

It is important to make a few points clear about this graph. In order to summarize the measures we have looked at so far it is necessary to standardize them, that is, in order to compare books, which might range in number of 20 to 30 to expenditures which are numbers in the thousands, I standardized the measures. I essentially made scales for each of the variables. So, for each variable, a school was created where the middle-most point was 50 percent, and the range is from 10 to 90.

Another point should be made as well. There are a number of those variables where the direction of the bar

was changed. So, for example, teacher turnover, the direction was [37] changed so that a low value will be represented by a bar above the graph, and the variables like that are teacher turnover, student retentions, reading failures, and math failures.

Q. Why did you do that, Doctor Cole?

A. I did it so—I made the assumption that some of these variables, larger amounts of them would be beneficial to the education of the student and to the overall educational outcome of the schools in general.

Q. Why did you change the numbers?

A. Well, I changed for two reasons. I changed the numbers so we can compare them—

Q. Okay.

A. —on a scale, and I changed the direction so that positive measures would all be in the same direction.

Q. And is the change you did uniform throughout all types for each of those?

A. It is.

Q. Did you do the same thing for high schools, Doctor Cole?

A. I did. But I would like to spend a little more time with this.

Q. Please.

A. I would like to take one of the bars just to further explain the pattern here. Let's look at expenditures, '84-'85. Expenditures are the bar all the way to the left of each of the three groupings.

[38] So, for Type I the bar has a height of approximately 3, so on the average for the 45 elementary schools in Type I the figure was 53—approximately 53 percent. This bar is slightly above that 50 percent level from the value of 3.

Let's move over to Type II now and look at that same variable, expenditures '84-85. That bar is now in a negative direction from the middle-most point with a negative 5.



When you move over to Type III, looking at expenditures per pupil, that bar is now down perhaps at a minus 6.

So, as you can see, when we look at the graph in this fashion, the Type II and Type III schools are underrepresented with expenditures per pupil, and on the average the Type I schools are overrepresented. You can go through and look at each of the variables in this fashion to see if there's under- or overrepresentation.

Q. So essentially what you are doing is saying deviation from the average of the three types?

A. That's right.

Q. That's what that zero line is?

A. It's deviation for the average of all schools broken out by type of school.

Q. Okay.

So, we could go through each of these bars, and we would be essentially saying the same thing in terms of how to [39] read them—

A. That's correct.

Q. —for each of those variables?

A. That's correct.

Q. Now switch to high schools.

A. Sure.

Q. Let me show you what has been marked in a smaller version as Plaintiffs' Exhibit 114, and tell us what we are looking at there, Doctor Cole.

A. This is a similar kind of summary graph, and now it is done for high schools. We have fewer measures for high schools.

Q. Why is that?

A. Well, for example, we do not have the grade seven level of failure. There are just fewer variables that were available for analysis.

Q. Okay.

And what are we looking at there?

A. We're looking at teacher experience, teacher turnover, teacher education, student retentions, and the California Achievement Tests.

Once, again, these variables are standardized, and we see that for Type I schools, on the average they have teachers with more experience, they have less turnover, the direction of that variable is switched, they have teachers [40] with more education, they have fewer student retentions, again that variable direction is switched, and on the average their students score higher on the California Achievement Test.

Q. You did the same kinds of calculations to show deviations from the average, is that right?

A. That's correct.

Q. So, the same way of looking at 113 will work for 114?

A. That's right.

We looked at 22 schools, first found out what the averages were, and then broke them out by type.

Q. Did you look at some of these variables any other way than by type, Doctor Cole?

A. I did.

Q. And what did you do generally?

A. For some—for some of the variables we broke them out by individual school. We can look at individual averages.

Q. And which schools did you look at?

A. Looked at schools that in 1986 were zero to 25 percent black and also schools in 1986 that were 75 to 100 percent black.

Q. And why did you do that, Doctor Cole?

A. It was suggested to me by counsel that the court thought it might be helpful.

Q. Let me show you what has been marked as Plaintiffs' Exhibit 128. Can you tell me what we are looking at there, [41] Doctor Cole?

A. This is a chart that is labeled "Teacher Turnover and Level of Educational Attainment." It's got two groups of schools defined by percentage black students. The first group is zero to 25 percent black, and the second group is 75 to 100 percent black. These are elementary schools. There are three variables columned after the school name: Teacher Turnover for '84-'85, Teacher Turnover for '85-'86, and Percent Graduate Degrees for '86-'87.



Q. Are you using the same data base as for the typologies for each of these variables?

A. I am.

Q. So these are simply breakouts by individual school, is that right?

A. That's right.

Q. And do you show anything other than the value for the individual school?

A. There is a row at the end of each grouping of schools labled "Mean" which is simply the average for the schools in the category.

Q. And have you compared the statistical significance of the differences of those means?

A. I have.

For example, the schools that had zero to 25 percent black students on the average had 10 percent teacher turnover, [42] whereas the schools that were 75 to 100 percent black in 1986 had 22.9 percent teacher turnover.

Q. And what is the statistical significance of those differences?

A. They are statistically significant.

I compared the means for each of the two groups of schools for each of the other variables, and they were statistically significant as well.

Q. Okay.

Let me show you what has been marked Plaintiffs' Exhibit 129 and ask you what that is?

A. These are—this is an exhibit that is for the DeKalb high schools that in 1986 were zero to 25 percent black or 75 to 100 percent black.

Q. So it's essentially the same exhibit except for high schools that we just discussed, is that right?

A. That's correct.

Q. And what are the mean differences for zero to 25 and 75 to 100 for each of those categories?

A. For eacher turnover, '84-'85, the percent for the zero to 25 percent black students schools is 18.3, and for the largely black schools, 75 to 100 percent, the mean is 30.2 percent turnover. Those means significantly differ from one another.

For a turnover in '85-86, the figure is 12.1 [43] percent for the zero to 25 percent black schools, and it's twice that amount for the 75 to 100 percent black schools at 24.0 percent.

When you look at percent graduate degrees in '86-'87, the zero to 25 percent schools, 76.5 percent of the teachers have graduate degrees, and for the 75 to 100 percent schools 62.9 percent have graduate degrees. All those differences are significant, statistically significant.

Q. Let me show you what has been marked as Plaintiffs' Exhibit 130. Can you tell us what we are looking at there, Doctor Cole?

A. This is a similar kind of breakout where we are looking at schools that are zero to 25 percent black in '86-'87 as compared to schools that are 75 to 100 percent black.

Q. And what are the variables we are looking at there?

A. The variables are percentage of teachers with less than one year experience, percentage of teachers with less than three years experience, and the average number of years teaching.

Q. And, again, I take it we show it by individual school and by average?

A. Yes, we do.

Q. And what was the source of this exhibit?

A. The school system tape—teacher tapes, classroom teacher data, 1986.

[44] MS. WILDE: Again, Your Honor, that's the tape to which we have stipulated the accuracy.



BY MS. WILDE:

Q. Can you tell us what the average comes out to on each of those for zero to 25 and 75 to 100?

A. Okay, for the variable percent teachers with less than one year experience, on the average the zero to 25 percent schools have 13.4 percent. For the 75 to 100 percent schools the percentage teachers with less than one year experience on the average is 25.1 percent.

Q. How about less than three years experience teaching?

A. The zero to 25 percent schools, 17.4 percent, and for the 75 to 100 percent schools the figure is 45.1 percent.

Q. Nearly three times higher, is that right?

A. That's correct.

Q. How about average number of years teaching?

A. For the zero to 25 percent schools it's 9.9, and for the 75 to 100 percent black schools the figure is 5.4.

Q. Again, did we do this at the high school level, Doctor Cole?

A. We did.

I should add that these means are all statistically significant to one another.

Q. Let me show you Plaintiffs' Exhibit 131. Can you tell us what that is?

[45] A. This is the same kind of breakout, but we are now looking at high schools.

Q. And what kinds of differences are we getting there, Doctor Cole?

A. For the percentage of teachers with less than one year experience, for schools that have zero to 25 percent black students the figure is 10.2 percent. For the schools with 75 to 100 percent black students the figure is 28.2 percent.

Q. Again, nearly three times higher, is that right?

A. That's correct.

Q. How about less than three years experience?

A. The zero to 25 percent schools we have the figure 25.2 percent and for the 75 to 100 percent schools we have the figure of 45.7 percent.

Q. And, again, average years teaching?

A. 8.7 years on the average for the zero to 25 percent schools and 5.5 percent for the zero to hundred percent schools—I'm sorry, 75 to 100 percent schools.

Q. And, again, have you run a test on the statistical significance?

A. Yes.

Q. Are those two different from each other?

A. For each of the variables, the two groups are statistically significant from one another.

Q. Briefly, did you look at any other variable other than [46] the ones we have talked about?

A. I did, I did.

Q. And what was that variable?

A. Number of advanced placement courses in high schools.

Q. And how many schools were you able to look at?

A. Looked at six schools.

Q. And why were there only six?

A. There was a large amount of collating to be done, lot of handwork to be done. Six schools were chosen, two from each of the three types of schools.

Q. Were you involved in that choice, Doctor Cole?

A. I was not.

Q. Did you look at those six schools?

A. I did.

Q. And what was the—what was it that you were looking for?

A. I was looking for the number of advanced placement courses that students had an opportunity to take.

Q. And what were the figures?

First of all, how were they broken out?

A. First of all, I looked at these figures in 1986-87.



Q. Okay.

A. They are broken out by type of school, and there are two schools in each type.

Q. Okay.

[47] A. So Type I, the two schools that I have information on are Chamblee High School, which had 11 courses offered, and for Dunwoody there were 26 courses offered. These are advanced placement courses.

Q. How about Type II?

A. Type II schools, we have got Cedar Grove which had five courses offered, and for Southwest DeKalb High School you had seven courses offered.

Q. And Type III schools?

A. And the Type III schools we have got Gordon which had three advanced placement courses offered, and for Walker there were five advanced placement courses offered.

MS. WILDE: Your Honor, at this point we are going to switch from just the typologies to correlations. Is this an appropriate place to take a break?

THE COURT: We will take the morning recess, then. We will recess for 15 minutes.

(Recess)

---

STEVEN PARKER COLE

having returned to the stand, testified further as follows:

DIRECT EXAMINATION (Cont'd)

BY MS. WILDE:

Q. Briefly, before we leave, Singleton, I would like you to take a look at Plaintiffs' Exhibit 123(A), (B), (C), and (D), [48] and ask you if you can identify those and tell me what those are?

A. These are tables labeled "Percentage of Black Teachers Assigned to DeKalb County Elementary

Schools," and there are three columns of data, 1984, '85, '86, and they are broken out by individual school.

Q. And what is the source of that data?

A. The source of these data are the—these are the teacher tapes.

Q. For each of years?

A. For each of the years, school system teacher tapes supplied to me.

Q. Okay.

And what have we got for 123(B)?

A. These are the percentage of black teachers assigned to DeKalb County high schools, '84-'85, '85-'86, '86-'87.

Q. These are just individual school breakouts of the information we are using today?

A. That's correct.

Q. How about 123(C) and (D)?

A. This is a summary of the Singleton indices by type of school for elementary and high schools.

Q. Are these the numbers we we saw on those charts?

A. We saw the deviations on the chart, but these are the numbers from which the deviations were drawn.

[49] Q. This is using one as an absolute, one rather than zero, which appeared on the chart?

A. That's correct.

Q. Thank you.

Okay, we have talked about the various comparisons by type. What did you do next?

A. I then looked at the relationship between pairs of variables.

Q. How did you do that?

A. One way to do that is to run correlations.

Q. What's a correlation, Doctor Cole?

A. A correlation index is the degree to which a statistical relationship exists between two measures.

Q. And how do the numbers run on that?

A. They run from a plus one to a minus one.

I should add that a correlation indicates the degree to which variation occurs in one variable and how that



change or variation relates to another variable. You can look at the magnitude of the relationship, and you can also look at the direction of the relationship. So, the lowest value correlation coefficient one can take is a minus one.

Q. And what would that tell you?

A. That would indicate a perfect inverse relationship between the two variables, that is, as one variable is increasing the other is decreasing. A value of zero would [50] represent a zero correlation and indicate that the two measures are unrelated to one another, and the plus one value indicates that the two variables were perfectly positively related to one another, that is, as one of the variables increase, invariably the other variable increases.

Q. And what did you run these correlations on?

A. I did them in a number of ways. I ran them separately for high school and elementary. Initially, I ran the correlations by typology and treatment.

Q. Okay.

Let me show you what have been marked Plaintiffs' Exhibits 89 and 90—let me take that back—88 and 89 and ask if you can just identify what those are?

A. These are the printouts from the actual correlational runs, computer runs.

Q. And what is the difference between these two?

A. One is for elementary, and one is for high school.

Q. Doctor Cole, let me show you what has been marked as Plaintiffs' Exhibit 115 and ask you if you can tell us what that is?

A. All right, this is a correlation matrix labeled "Pearson Correlations Between of Student Racial Composition."

Q. And what are you doing there?

A. What I'm doing there is looking at ten different indexes of racial composition.

[51] Q. And are these the same that we discussed earlier when we were talking about the typology and other measures, Doctor Cole?

A. It is.

Q. How does one read that? What do we do to make sense out of this chart?

A. It's a matrix. It's a matrix of numbers.

You look at the descriptions of the variables in the column to your left. Those represent the measures of racial composition. You have got percent black students in '84, percent of black students in '85, and on down the line for ten variables.

Q. Can you tell us what those ten are just so we are all on the same wave length?

A. We have got three measures of percent black students for 1984, '85 and '86. Then we have three measures that are defined as the average percent black students over a period of time. One of those is from '76 to 1984, another one is from 1976 to 1985, and the third one of those is from 1976 to 1986.

Q. What other measures do we see?

A. We see the Type school.

Q. Is that the typology we have been talking about?

A. It is. That particular variable has one of three values: one, two or three.

Q. And what are those other, eight, nine and ten there?

[52] A. Those are indexes of racial exposure for 1984, 1985 and 1986.

Q. Okay.

Now what—how do we read it across the top?

A. Across the top we've got the numbers 2, 3, 4, 5, 6, 7, 8, 9, 10. Those numbers refer to the labels on the columns. So in number 2, in that row of information really is percent black students '85. It was just columned this way because there wasn't really enough room to do it. So, that 2 represents percent black students '85.

The column next to that labeled 3 is really percent black students '86.

So, you can refer to the numbers all the way to the left to figure out what the column headings are at the top of the page.



Q. And then what do these numbers that we see in the matrix tell us?

A. These are actually the Pearson Correlation Coefficients. They tell us how pairs of variables relate to one another.

Q. Can you take an example and explain what a number might mean?

A. Sure.

Let's look at the number in the upper left-hand portion of this matrix under the 2 and on the same row as percent black students '84, that's a number 99. The [53] correlation coefficient of .99.

You would expect a high correlation there between percent black students in 1984 and percent black students in 1985. That's all that number represents.

Q. And what, for example, would it tell us, type school which is 7—well, I meant to do it across the top—number 3. percent black students, 1986, you go over to column 7, which is type school, you get a 91 there. What does that tell you?

A. It means there's a correlation between type school and percent black students '86 of .91. It's a rather high correlation, and because we are looking at 73 schools here you need a correlation of .23 to be statistically significant.

So, all the correlations in this matrix are significantly statistically significant.

Q. At what level?

A. Certainly less than .05.

Q. Okay.

And what essentially, in summary, does this correlation matrix tell us?

A. It tells—it tells the researcher that there's a high degree of relationship between all these variables, that the typology is very closely related to the number of the —the percentage of black students in a particular year. It is very closely related, for example, to the average percentage black [54] students over a period of time.

Q. Is this what you meant earlier when you talked about testing the typology, Doctor Cole?

A. It is; it is. It demonstrates the validity of the typology breakout.

Q. Let me show you Plaintiffs' Exhibit 119. What is that?

A. That's a similar matrix now done for high schools.

Q. And I take it we have the same measures of racial composition, is that right?

A. That's correct.

Q. And what would be the level for significance, for the numbers to be significant there?

A. Because of the level of significance, the criterion will change with the numbers of cases in your study. Because we have 22 schools in this analysis, the correlation coefficient that you would need to be statistically significant is now .43.

Q. And these are all in excess of .43, is that correct?

A. That's correct.

Q. So these are all statistically significant?

A. Highly.

Q. Thank you.

Now let me show you what has been marked as Plaintiffs' Exhibit 117 and ask you if you can tell us something about that. Have you got it there?

[55] A. Yes.

Q. Very good.

What is that, Doctor Cole?

A. Once, again, we have another correlation matrix, and this matrix is between the treatment and achievement characteristics, which are your rows here, and we see how these particular variables are related to measures of student racial composition, which are the columns.

Q. Can you pick an example and explain to us what we are looking at, Doctor Cole?

A. Sure. Let's look at the number in the first row, first column, under Percent Black Students '84, and see how that relates to the number of books in 1984. That



correlation coefficient is a minus .43. The negative direction of the correlation means that as the direction of one of the variables increases the direction of the other variable decreases.

So, as the percent black students in the school increases, the number of books available to them decreases, and this is a statistically significant finding. You need a correlation coefficient of .23 on this table to be statistically significant.

Q. And are all these coefficients above .23, Doctor?

A. They are.

Q. Basically what kinds of statistical conclusions can you [56] draw from this chart?

A. Well, in general, each of the five measures were statistically associated with treatment outcome measures. I would conclude from this the more black students enrolled in elementary school the more that school—I will just go through them—relatively deprived of library books, years of teaching in its teaching staff, graduate studies by its teachers, and teaching continuity as measured by turnover.

Q. Okay, let's take a look at 121. What does that show you, Doctor?

A. This is a similar matrix. We don't have all the variables that we have for the elementary schools, but as the columns we have some measures of racial composition, and as the rows we have measures of treatment and achievement characteristics.

Q. And this is for high schools, is that right?

A. That's correct.

Q. Again, can you pick a number and explain to us what that means, how to interpret that chart?

A. Okay, I'm going to—the majority of these numbers are statistically significant. There are some on here that are not.

Q. And what is the level at which they become significant?

A. Correlation of .43.

Q. So, anything below .43 is not statistically significant, [57] is that correct?

A. That's correct.

Q. Okay.

Go ahead.

A. So let's pick a number from the first column, once, again, Percent Black Students, '84, and let's compare that to the average number of years of teaching experience in DaKalb County in 1984. That correlation is a minus .46, so that as the percent black students of a particular kind of high school increases, it is associated with teachers with less teaching experience.

Q. And what do you mean by "associated," Doctor?

A. Well, in this particular situation it is a statistically significant relationship.

Q. Meaning you find high school—meaning there is—well, why don't you explain what that would mean in terms of those two variables?

A. It would mean that an increase in percentage of black students is associated or is related to a decrease in the number of years experience of the teaching staff.

Q. In a way that is not random, is that right?

A. That's right. It is not happening by chance.

Q. And is that what the "P" value tells us?

A. It does.

Q. Let's go to one other set of correlations.

[58] Could you please take a look at Plaintiffs' Exhibit 116 and tell us what that is and why you did it?

A. We have, yet again, another correlation matrix here. This one is between treatment and achievement characteristics and we do not in this matrix have any of the racial composition measures.

Q. Why was this run?

A. This was run to look at the level of intercorrelation amongst these treatment and achievement characteristics.

Q. And why is that important?

A. Well, for one thing, when you want to do a further kind of statistical analysis called regression, you want to



make sure that the intercorrelation amongst those variables is not extremely high, so this is one way of checking for that, is to do a matrix like this.

As you can see, the only time you see extremely high correlations is when a variable like years teaching 1984, as compared to years teaching 1985, it's a correlation coefficient of .97. You are basically measuring the same thing.

Q. Okay.

And did you do this again for high school, run a check as to whether or not you had high interrelations?

A. I did.

Q. And that 119? No, it is not.

[59] A. No. You scared me.

Q. Let's try 120, perhaps.

A. Yes.

Q. And, again, can you briefly show us—tell us what we are seeing there?

A. You see a moderate range of correlation amongst these achievement and treatment characteristics. The only really extremely high correlations are amongst the variables measuring essentially the same thing from year to year.

Q. And did you draw any conclusions as a result of these two correlation matrices?

A. I did.

I believe from these correlations that amongst the independent variables that I would put into a regression model we would not have an extreme level of statistical relationship, but there's also a wide range of correlation amongst these other variables which means we are not really measuring the same things. We are measuring aspects of treatment and achievement, but we are not measuring exactly the same thing.

Q. With any one or—with any two variables?

A. That's correct.

Q. Okay.

Did you do any other kinds of analyses, Doctor Cole?

A. I did.

[60] Q. And what were those?

A. I did what I have been alluding to, I did some regression analyses.

Q. What is a regression analysis?

A. Well, regression analysis is a statistical technique that relates the number of independent or predictor variables to some—excuse me—some other variable that you would like to try to predict.

Q. And how does that differ, for example, from a correlation?

A. Well, correlation is exploring—excuse me—let's try it again. Correlation—

THE COURT: Do you need a recess?

THE WITNESS: I will try it one more time.

A. —correlation between two variables alone.

A regression, you have one variable that you are trying to predict, and in a multiple regression situation two or more variables that you try to relate to one another and see how it relates to that predictor or outcome measure.

Q. And in these what did you use as the dependent variable?

A. In these—this set of analyses, the depender outcome measures were measures of racial composition of the schools.

Q. Why was that?

A. Was trying to see if there was a relationship between treatment and outcome measures and the racial composition of [61] the schools.

Q. And what independent variables did you use in these regression analyses?

A. Used variables like number of books per student, years of teaching, teacher turnover—

Q. Essentially the same—

A. —graduate degrees. Essentially the same variables we have been looking at on a one-by-one basis in these bar charts.

Q. Okay.

Let's take a look at Exhibit 118 and can you tell us what that means?



First of all, what is that?

A. 118 is a summary sheet of variables that were significant and related to the measures of racial composition.

Q. Okay.

And can you tell us what each of those headings mean?

A. We have got the racial composition variable. We've got regressed step-wise on. These are the variables that were significantly related to the racial composition variable. And we heave got a column labeled "Adjusted R" and "Multiple R" and "Adjusted R Squared."

Q. What do these tell us, Doctor Cole?

A. Well, the multiple regression correlation coefficient, [62] the multiple "R" the is the correlation coefficient between the actual values of the measure you are trying to predict and the values predicted by this combination of independent variables, here the treatment characteristics, and the values of the multiple regression coefficients range from zero, which is no correlation, to one, which is a perfect correlation. The "R" squared is the proportion of variation accounted for explained by the variables that are in the regression equation. And "R" squared ranges from zero, which means no explained variation, to one, which is all variation explained.

Q. So, for example, if you have in that first line, by the time you finish the regression you have a .80, you are explaining 80 percent of the variation in the data?

Have I got that right? Is that what we are doing, Doctor Cole?

A. If at the end of the regression, step-wise regression, you have an "R" square of .80, that means 80 percent of the variability in the racial composition of that school can be explained by those variables.

Q. So, will you take us through any one of those examples and explain how that works?

A. Okay. I think it would be best if we went to a—

Q. To a regression itself?
A. —a specific regression.
Q. I should have had you identify 90 and 91. What are [63] those?
A. These are the computer outputs from multiple regression runs using the statistical package for the social sciences.
Q. And why are there two?
A. One for elementary schools, and one for high schools.
Q. Thank you.
Let's just take a look, just so we understand, this is Exhibit 90, and I believe you have got it turned to page 38, is that right?
A. That's correct.
Q. Okay.
Tell us what we are looking at there?
A. Okay, in this particular analysis—
THE COURT: Excuse me. What was the page number?
THE WITNESS: Page 38.
MS WILDE: Of Exhibit 90.
MR. SAMS: Is this high school or elementary?
THE WITNESS: Elementary.

BY MS. WILDE:

Q. Okay, go ahead.
A. On several lines down we see the description "Dependent Variable", and you see a variable called "AVEPB-85" and a label "Average Percent Black Students," this is the average percent black students in the years 1976 to 1985.
Q. That's one of your racial composition measures?
[64] A. That's one of the composition measures, and in this situation we are going to see if a number of treatment and achievement variables are related together to the racial composition of the school as measured by average percent black students.



MR. WEATHERLY: Excuse me, what page was that?
THE WITNESS: 38.
MS. WILDE: 38.
MR. WEATHERLY: On the elementary run?
MS. WILDE: Yes.

BY MS. WILDE:

Q. Okay, proceed, please.
A. Okay, we've got a label there beginning block number one, method step-wise, and what this technique does, it takes each variable in a step-wise fashion, and we let the computer program decide which variables go into the model or not. I'm not going to force anything into the model. I'm going to allow the program to evaluate the interrelationship amongst the treatment and achievement variables and see which ones will predict racial composition.
Q. Okay, and what do we find?
A. The first available under the model is years teaching 1985. It's got a multiple "R" of .77 and a "R" square of .60. 60 percent of the variability of the racial composition of the elementary schools as measured by average percent black [65] students can be accounted for by the numbers of years teaching of the teachers.
Q. Does anything else go into that model?
A. The next variable, then, is percentage reading failures.
Q. And that's on page 39, is that right?
A. That's correct.
Next available, then, is pupils per staff member.
Q. And that's page 40, one page per regression or per step?
A. Per step.
Q. One page per step. Okay.
And when we get to step number 3, which is pupils per staff member, '85-'86, is that right—
A. That's right.

Q. —how much variability have we got explained at that point?

A. At this po'nt we are up to .69.

Q. Okay.

Does anything else go into that?

A. In the final step we have step staff salary per pupil.

Q. All right.

A. And "R" square now is rounded off at .73. The 73 percent of the variability in the racial composition of that school is accounted for by the years—the number of years that the teachers have under their belt, the staff salary per pupil, percentage reading failures, and pupils per staff member.

[66] Q. Okay.

A. The way you can evaluate the significance of it is at the very end of the model you've got some probability values associated with each of the variables. If they are under .05, they are statistically significant.

Q. Okay.

Let's go back to 118 in light of that, and can you explain, in light of what we have just gone through, what we are seeing here?

A. Back to Exhibit 118, if we step through each of the racial composition variables, I will read off which variab'es relate significantly to the racial composition measures. Per-percent black students in '84 it's the California Achievement Test, and years teaching in 1984.

Q. And those are the two that predict best percent black students, is that right?

A. That's correct.

Q. Okay.

A. The average percentage black students in '84, we have got historical perspective in this particular variable with the same two measures predict the racial composi-



tion of the school as measured by that variable, California Achievement Test '84 and years teaching '84.

You get the same pattern for the typology we have been using. California Achievement Test in '84 and years [67] teaching in '84.

Same pattern maintains for the Racial Exposure Index.

When you move to 1985 and you use the percent black students variable, you now have years teaching in 1985 and the percentage reading failures best predicting black students, percentage black students in a school.

In 1985, this is a review of the exhibit we just went through, the average percent black students by years teaching, pupil-to-staff ratio and salary of teacher.

We look at the racial exposure index for 1985. The variables that significantly predict it are years teaching and percentage reading failures.

Q. Let's take a look at 122. Can you tell us what that is?

A. This is a similar kind of chart, but now we are dealing with the 22 high schools.

Q. Okay.

So, we would read this in the same way?

A. You would.

Q. All right.

What conclusions do you draw statistically at least from these regression analyses?

A. Well, for the elementary schools, the student racial composition can be significantly predicted by a combination of treatment and achievement characteristics. Similarly for the [68] high school. The high school pattern isn't as tight, but the findings are essentially the same.

Q. Okay.

Let's switch, Doctor Cole, to achievement. Did you do any anlyses of achievement?

A. I did.

Q. What did you do?

A. I looked at the individual achievement of DeKalb students as measured by the California Achievement Test

in the Fall of 1984. I broke it out by race, the racial categories being black students and white students, and white students, that category including all non-black students.

Q. Okay.

A. I did the analysis by controlling for, using the statistical technique, controlling for socio-economic status as measured by free and reduced lunch.

Q. Okay.

Why did you do this analysis?

A. To demonstrate the persistence of racial gap in achievement regardless of socio-economic status.

Q. What was your working hypothesis?

A. The working hypothesis was that there be a high correlation between race and achievement and socio-economic status and race, but the relationship between race and achievement would still be maintained even though we [69] controlled for the role of S.E.S., or socio-economic status.

Q. Was that hypothesis borne out?

A. It was.

Q. Let me show you Plaintiffs' Exhibits 124(a), (b) and (c) and have you identify those for me, Doctor Cole.

What is 124(a)?

A. 124(a) is the printout, a series of analyses of covariants using the statistical package B.M.D.P.

Q. Is that essentially the data you ran on this study or the models—what is this?

A. These are the results of the analysis.

Q. Thank you.

What is 124(b)?

A. 124(b)—

MS. WILDE: You don't have that, I don't believe.

A. —is a graphical presentation of the total California Achievement Test course before we introduced the factor of socio-economic status.

Q. I will just switch copies so I can give the marked exhibit to the judge.



And how is that done?

A. Let me spend a little more time with this exhibit.

As I said, the California Achievement Test, or the CAT, the Fall of 1984 and this particular graph breaks out the average N.C.E. score, normal curve equivalent, by race and by [70] grade. So, if we look all the way to the left we see two bars over the number "2" meaning grade two. The black bar represents the black students, and the white bar represents the white students. The actual numbers are not on this chart, but they are in the output, the statistical output. I will make some rough judgments from the bar in describing this.

So in grade two we see that on the average for all these students, all the black students who took the California Achievement Test in grade two, the average is about 48, and on the average for whites it's about 62, 63, and we see a similar pattern for grades three, four, five and six. There's a little bit of a—little bit of increase in the gap in grade nine, but essentially for grades two, three four, five, six, and seven, and grade nine there's a significant gap in achievement between blacks and whites as measured by the California Achievement Test.

Q. Okay.

Let me show you what has been marked as Plaintiffs' Exhibit 124(c), and ask you if you can tell us what that is?

A. This is a graph, another bar graph, describing the results of the California Achievement Test in the Fall of 1984. These are total battery scores, the reading and math combined, just as in the previous chart, and they are broken out by race and grade.

The difference between this chart and the previous [71] one is that these averages, these means are controlled for free and reduced lunch.

So, for example, if you compare—if you compare this graph to the previous one, the gaps are not as large.

When grade two, for example, is adjusted for socio-economic status as measured by free and reduced lunch, the mean now is about, a little over 50 for the blacks. Before it was like 48. The white mean is what lower. It is down do about 60 as opposed to maybe 63 before. This same sort of adjustment for the relationship between S.E.S. and achievement is done for grades two, three, four, five, six, seven, and nine.

Q. And what pattern does that show?

A. It shows a consistent achievement gap across these years and across these grades in 1984, and these adjusted values, adjusted for the effects of S.E.S., these are statistically significant at each grade.

Q. Doctor Cole, what conclusions do you draw from your study as shown by these two graphs?

A. I would state that the black gap in achievement, the racial gap in achievement, persists over time regardless of socio-economic status.

Q. And what does that indicate to you?

A. It indicates to me that there is a need here for black students—that black students have additional needs.

[72] MR. WEATHERLY: Your Honor, I object. I'm not sure that the response that the witness appears to be giving is within his field of expertise. We are not objecting to him being qualified as an expert on statistics, but he appears to be extending his opinions to the needs of black students in DeKalb County, and I don't believe there has been any indication made of his qualifications to do so.

MS. WILDE: Your Honor, I can have him—

THE COURT: Are you going to cross-examine this witness?

MR. WEATHERLY: Yes, sir.

MS. WILDE: Your Honor, I'm happy to have him talk in term of gaps, which, indeed, a statistical measure that he is qualified to do. That would probably be the simplest way to do it.

THE COURT: All right.



BY MS. WILDE:

Q. Indeed, what does the pattern show you in terms of the gap between blacks and whites?

A. There's a persistent gap, a gap that is not being addressed by the school system.

Q. And you come to that conclusion in what manner?

A. By the viewing this information in grades two through seven and nine, a gap demonstrated regardless of the grade measured.

[73] Q. Okay.

Let me show you what earlier was marked as Defendants' Exhibit 117. I believe you were here during the testimony of Doctor McMillan. Do you remember this chart?

A. I do.

MR. SAMS: What number?

MS. WILDE: Defendants' 117.

BY MS. WILDE:

Q. What conclusions, if any, do you draw from this concerning S.E.S. and race and achievement, Doctor Cole?

A. Well, first, this now is a bar graph, again. You've got a bar for—you have two bars for blacks and two bars for whites. We are measuring percentiles here on the March, 1987, Iowa Test of Basic Skills, and the graph is also labeled "Free and Reduced Lunch Program."

We see that the black students, there's a gap between those on free and reduced lunch and those who are not. Students who are not in the program tend to do better.

You see a similar pattern for the whites. Students not in the free and reduced program tend to perform better on the I.T.B.S.

But I also see that both bars for the blacks are below both bars for the whites, that is, regardless of S.E.S., there is a gap between achievement between the blacks and white students as measured by the I.T.B.S.

[74] Q. Let's switch one more time.

You were present, I take it, during the testimony of Doctor Walberg, were you not?

A. I was.

Q. And one of the things we had done was take a look at his correlations, and I believe we were using Defendants' Exhibit 90. Do you have that here with you?

A. Yes.

Q. I believe I was questioning him concerning a line on this—on these correlations, and I would like for you to take a look and go through the same line and explain to me what it is we are seeing here.

First of all, what are we looking at?

MR. WEATHERLY: What page and what line?

THE WITNESS: Page 9. We are looking at the second line labeled P.O.S.

Q. What is that?

A. That's the post-test on the I.T.B.S., and on this particular analysis it was in the Spring of 1986.

Q. Okay.

By the way, this is a correlation, is this not?

A. Yes.

Q. Is this one- or two-tailed?

A. It's labeled one-tailed.

Q. What is the appropriate test for the statistically [75] significance of a one-tailed analysis?

A. Let me answer your question this way.

Q. Okay.

A. The output from this program prints only one-tail significance levels. In the work that I have been doing and that Doctor Walberg testified to, we do work with two-tailed tests. Unfortunately, this particular program outputs one-tail significance levels.

So, all you really have to do, given a chart of one-tailed probabilities, in order to determine a two-tailed significance level is simply use the criteria of .10 instead of .05. That's translated into a two-tailed level of statistical significance of .05. You just have to read this table of .1 to get the same thing.



Q. Why don't we go across that line using the post-test and tell me, using the .1 what variables are statistically significant in that correlation.

A. You've got a significant correlation between the pre-test and post-test of .96. Significant relationship with—I should add that this particular analysis is solely on black students.

Q. Okay.

A. You've got a significant relationship with the percentage of black students on free lunch. It's a negative relationship, that is, the higher the percentage of students [76] on free lunch the worse the post-test scores are.

You get a similar pattern for the percentage of students on reduced lunch, similar pattern for the percentage of students in the schools that are black.

Q. Explain that. What does that one mean, for example?

A. That's a correlation coefficient of minus .407 indicating that the greater the number of black students in the school the lower the average achievement as measured by the post-test.

Q. Okay.

And what's the statistically significant level of that.

A. .000.

Q. And what is that? What does that tell you?

A. That tells me that this particular correlation coefficient, this particular pattern data is not happening by chance. It is certainly less than .05.

Q. Okay.

A. You would expect this particular finding to happen in less than one in a thousand chances.

Q. Okay.

Continue across at levels of statistically significance for those variables.

A. We have a proportion white students, and this is a positive significant correlation; the more white students

in [77] your school the better the average schools achievement test scores are.

We then have a variable labeled "B.T." or black teachers. That's a negative correlation with a "P" value of .059, which is, on a two-tailed test, given this output, is statistically significant. The higher the percentage of black teachers in the school the lower the average achievement results. You get the reverse finding for proportion of white teachers.

And then you get the turnover variable.

I want to clarify an issue that came out in your cross of Doctor Walberg. The Defendants in the case measure turnover differently than the Plaintiffs. Turnover by the Defendants is measured by percentage of teachers who return as opposed to percentage of teachers who leave for one reason or another.

So, this correlation is positive, .347. The greater the percentage of students returning—

Q. Teachers.

A. —teachers, the greater the percent of teachers returning the higher the achievement level as measured by the post-test.

We get a significant relationship between experience in the post-test. The higher the experience—the higher the teacher experience the better the students do on their [78] achievement. The more—the higher the percentage of teachers who have master's degrees the better the achievement levels. The more teachers with specialist degrees the better the achievement as measured by the spring I.T.B.S.

Then we get a number of—we get a number of transformed variables that Doctor Walberg created: black students squared, black teachers squared, and turnover squared. These all follow the similar pattern to the variables from which they were created.

Q. Can you just give us in summary form the list of the variables that are significantly related to the post-test going across that line?



A. The pre-test, percentage of black students on free lunch, percentage of black students on reduced lunch, percentage of black students, percentage of white students, percentage of black teachers, percentage of white teachers, teacher turnover, teacher experience, percentage of teachers with master's degrees, percentage of teachers with specialist degrees.

Q. All of those are significantly related to scores on the post-test, is that right?

A. That's correct.

Q. What do you do, vis-a-vis, Doctor Walberg—well, let's go back.

As an expert in the area of statistics, do you have [79] any criticism of the manner in which Doctor Walberg performed his regression analyses?

A. I do. There are a number.

Q. What are those?

A. One is the inclusion of these transformed variables into the regression model. These transformed variables correlate highly with the variables from which they were created. You get a situation called multi-cliniarity, and this situation occurs because you have two variables trying to predict another one that are so highly related to one another that they are virtually measuring the same thing. It causes the overall model to be unreliable. That's one criticism.

Another criticism is the particular technique in the step-wise progression that was used. As I indicated, the technique that I used was to allow the program itself to use statistical criteria to decide which variables go into the model first. The technique that Doctor Walberg used forces variables in in a prescribed order, and your results can change given the order in which variables are forced in. That's a second criticism.

A third criticism is the use of the pre-score in the model itself. The pre-test correlates with a correlation coefficient of .96 with the post-measure.

Q. And why—

A. It is very close to a perfect relationship. It is [80] virtually measuring the same thing. When you put a variable with such a high correlation in the model, with such a high relationship to the dependent variable, you give other variables very little chance to demonstrate their relationship to the post-test measure.

Q. Did you, indeed, do any analyses using the same data base that Doctor Walberg used?

A. I did.

Q. What did you do?

A. I simply—well, the first thing I did was to reproduce his regression results, putting into the model a whole host of these variables, and, when the pre-test is in the regression model, none of the other variables are statistically significant. When you have the "pre" in, the pre-test measure, it is the only variable that is related significantly to the post-test measure.

Q. Which is essentially what Doctor Walberg did?

A. That's true.

Q. Okay.

A. So I essentially replicated his findings.

Q. Did you do anything further?

A. I re-ran the same analysis, taking the pre-test out of the regression model.

Q. And what were your results?

Perhaps I should show you what has been marked as [81] Plaintiffs' Exhibit 132 and ask you what that is?

A. These are the results of the regression runs I have been describing, and it is titled "Walberg Study."

Q. And on what page do you find the results of your regression without putting the pre-test in?

A. The results are found on page 7.

Q. And what are those results?

A. With the pre-test out of the model, there are three variables that are statistically significant to the post-measure, using the same data.



Q. And what are those?

A. Percentage of black students on free lunch, number of black students—percentage of black students in the school, and percentage of black students on reduced lunch.

Q. So, percent black students in a school becomes a predictor of black achievement using Doctor Walberg's data?

A. That's correct.

Q. And, again, can you explain what that relationship means in English?

A. In English, once you take out the pre-test from the model, this pre-test which is so highly related to the post-test, you have three measures which predict achievement in the Spring of 1986. These are two measures of socio-economic status, percentage of black students on free and reduced lunch, and measure of racial composition.

* * * *

TESTIMONY OF ROBERT A. DENTLER

* * * *

[24] BY MS. WILDE: How did you conduct your review on that topic, Doctor?

A. Well, I asked the questions which I have learned from other cases I have worked on to ask. Namely, in terms of student assignments, setting apart all the other vital considerations, have students been assigned in such a way that the schools appear to be racially balanced, racially unidentifiable, have they achieved the goal of becoming just schools, in the words of the Supreme Court, and what has been the rate or pace of movement toward racial non-identifiability and racial balance over time.

Q. And what did that review tell you, Dr. Dentler?

A. Well first, there was abundant adequate student enrollment information. I had it going back to 1969 and coming forward. I had several different sources. I compared them. They were reasonably reliable in my opinion.

I found that black students constituted just under six percent of the total number of students in 1969 and that their proportion increased substantially after that until it reached 47 percent in 1986, so it jumped from nearly six percent in '69 to about 27 percent in 1976 to about twice that at the present time.

I found, however, that five of the six—that there were six virtually all black schools closed by court order in 1969. Those were not reopened. There's evidence [25] to indicate, contrary to other districts I have worked in, they weren't opened on the sly or maintained under some other label, so those disappeared. That was the first basic attack on extreme racial separation.

I also found that schools which had rising proportions of black students in 1969 continued that pattern and became virtually all black schools by 1976 or 1986.

One of the ways of doing this is to ask how many schools are racially imbalanced, for example, and how many of them became racially imbalanced over time.

One standard you can use is 20 percent above or below the systemwide average. If the average is six percent, 27 or 47 percent.

In 1986, I found that 67 of the 95 regular schools in DeKalb were racially imbalanced by this criteria, that 30 schools, 24 of them elementary and six high schools, had more than 20 percent more black students than the systemwide average. That these schools in turn housed nearly two-thirds or 62 percent of all the black students in the system.

Thirty-seven of the schools, 31 elementary and six high schools, had more than 20 percent of the white students beyond the systemwide average. These 37 schools housed 59 percent of all the white students in the county system.

Another way I have used of assessing this is what [26] I would call racial isolation. That is, how many schools have so few cross race students that we can say they are racially set apart.



Q. And what's the standard of racial isolation that you have been using?

A. Well, the same one that came up in the first regulations from the Office of Civil Rights in 1964 with the Civil Rights Act, 90 percent or more black or white students constitutes a racially isolated public school.

In the fall of 1986, there were 35 schools out of the 95 regular schools that were racially isolated in DeKalb. Eighteen of these were elementary schools and five were high schools.

Q. Are these white or black schools, Doctor?

A. Eighteen of the elementary and five of the high schools were more than 90 percent black, most of them pushing 98 percent.

Twenty-three schools housed half of the black students in the school system as a whole.

In other words, here's a system which is nearly half black in which the black students, however, are clustered in 23 of the 95 schools.

There were ten elementary and two high schools which were more than 90 percent white, and these housed 27 percent of the white students.

[27] Q. Did you look at the question of racial balance in any other way, Dr. Dentler?

A. Yes. In addition to the 20 percent above or below standard and the 90 percent, I also asked about racial identifiability, and this has to do with whether a school remained predominantly white or predominantly black over a long period of time.

Q. And what period of time did you use in this analysis?

A. I used—in looking at this, I used everything I had first. I tracked every school and its change grafted from 1969 to 1986.

Then I noticed that the important marker was about 1976. That is, some important demographic changes took place in the district around that time. First, by that time the effects of the court order had taken hold. The impact

of closing the six virtually all black schools had played itself out. The boundary changes and zoning rearrangements had been adjusted, and transportation provisions were in place.

At the same time, the tremendous impact of residential housing turnover in the part of the county closest to the City of Atlanta had taken place.

At the same time, the county population had grown. In other words, suburbanization had begun to complete itself, so that the system had gained nearly 10,000 students [28] between 1969 and 1976. After '76, it was to go into its decline in enrollment.

So my way of estimating identifiability was to use the period from 1976 to 1986 to ask about schools which had remained predominantly white over that period, and I call those Type 1 schools.

Schools that had changed from predominantly white to predominantly black I called Type 2 schools. They were in transition toward becoming majority black.

Then Type 3 were schools that had remained predominantly black throughout that decade. Now, most of those, I might add, were predominantly black in 1969 or verging on it.

Q. And when you used this standard of racial identifiability, what were your findings, Dr. Dentler?

A. I found that at the elementary level, 45 of the 73 regular elementary schools were Type 1. That is, majority white schools throughout the period, identifiably white schools. They hosted 58 percent of the elementary students in 1986 including 90 percent of all of the white students.

There were 14 elementary schools in Type 2. They enrolled 1500 approximately black students in 1976 and 7200 black students by 1986, a growth of nearly five times, 460 percent, which vastly exceeds the growth in black students districtwide during that decade which was 190 percent, so [29] the Type 2 schools, the transitional schools, were the ones that took the impact of



the increasing relocation of black households into DeKalb County.

The Type 1 schools remained identifiably distinctively white and performed the hosting function for white students.

There are 14 elementary schools in Type 3. They hosted 39 percent of all the black elementary students in 1986. The number of whites attending these schools dropped from nearly 1200 students in 1976 to 253 students in 1986.

By 1986 at the elementary level, Type 1 schools in the northern half of the district hosted nine out of every ten whites. Type 2 and 3 schools in the northern half of the district hosted three in every four black students.

Q. Is that northern or southern?

A. I'm sorry. Type 2 and 3 schools in the southern half of the district hosted three out of every four black students.

At the high school level, there are 14 Type 1 high schools. That is, out of 22 high schools in this large county system, 14 of them are majority white schools and have been so for more than a decade. They enrolled 69 percent of all the students and 91 percent of all the white students in the district as of 1986.

There are five high schools in my Type 2 [30] transitional group. These schools in 1986 hosted 35 percent of the black high school population or 4100 black students compared with about 900 students in 1976.

Twenty-seven percent of the black high school students are enrolled in Type 3. That is, the three nearly all black high schools.

By 1986, over 60 percent of the black high school students attended eight of the 22 high schools.

Q. What are your conclusions on student assignment and student segregation in DeKalb having looked at these various indicators, Dr. Dentler?

A. Well, by the criteria of student racial composition considered in terms of representativeness of the district

or racial balance, considered in terms of racial isolation or identifiability, then the DeKalb County School District is relatively extreme in its distributions by all three criteria.

This is against a backdrop of a beginning in 1969 where the assumption in the order is that the pockets of persisting racial isolation will be eliminated, mainly using the tool of school closings and changes in the student assignments and desegregation will then be maintained.

That is not what has occurred.

Q. How does this compare with what you found in other systems throughout the country in the course of your work, [31] Dr. Dentler?

A. Well, I calculated a number of indicators of that question. The best indicator used in research in this regard is the Index of Interracial Exposure. The next best is the Index of Dissimilarity. The next best is Racial Balance.

We have looked at all three in DeKalb, and I'm familiar with the index values for many other districts.

My concern is not with the research question here of the relative values compared to other districts but with the extent to which DeKalb has made progress in eliminating its historic duality, and my sense on that is that it has not.

Its index values on interracial exposure and dissimilarity are about average relative to other districts undergoing similar processes. There is nothing, nothing especially indicative there as far as I'm concerned.

But what is special is in my view that the black students remain concentrated in a comparative handful of the schools in the district and the white students remain concentrated in another set of schools.

Q. By the way, Dr. Dentler, is desegregation the same as integration? What are those terms about?

A. No. The idea in racial integration is that the status quo equality has been achieved. That is to say, that people [32] are relating to one another and transacting with one another without, not only in a color blind fashion but where no racial attributes affect the nature of the interaction, where with respect to that matter the persons are fully equal.



Desegregation does not in any respect go to that depth. Desegregation is a question, I would put it, of distributive justice, of equity. That is to say, have opportunities and resources been distributed in such a way that life chances, the chance to survive, the chance to grow, the chance to nourish, the chance to achieve individually to the level of one's capacities been fulfilled. Or has treatment remained unequal, treatment conditions remained unequal.

You can have a deeply unintegrated system within a thoroughly desegregated system, and if you had a thoroughly integrated system, it wouldn't matter very much what the racial composition of the student body or staff was.

Q. Which is the goal here?

A. The topic we are dealing with is desegregation. We are not dealing with integration which I see as a social and moral phenomenon entirely.

Q. Have you done any examination to determine how the racial transition in DeKalb County occurred?

A. Yes.

[33] Q. And can you explain to the court in your view what took place in DeKalb County between 1969 and 1986 demographically?

A. Yes. We had abundant materials on the population and enrollment of the county, thanks to the answers to the interrogatories from the DeKalb County Board.

It became apparent that the county board—it became apparent to me that they tracked this matter. They projected enrollments, they keep records on population changes.

So after 1969, DeKalb County changed demographically in two profound respects. First, it was undergoing very rapid suburanization, so the population for a few

years was increasing rapidly. A suburbanization that had begun during World War II was completing itself, maturing during the early 1970's. This was part of the metropolitanization of Atlanta, I suppose.

Second, the black households of Atlanta and other parts of the Deep South were moving into, had opportunities to locate into DeKalb County in substantial numbers, perhaps for the first time in the history of that county, so black households came in.

It appears to me unmistakable evidence from legal records and the like that there was selling and buying on what we would call a highly dynamic basis. Some people call [34] it blockbusting. Going on in 1968, 1969, '70, '71, '72 and '73. So white households were relocating, were selling property, their properties. So the black population multiplied very rapidly before 1976.

At the same time, the first generation, the first wave of women coming up out of the post war population were, especially among white households, making a decision not to have children. So that the number, the drop in the annual live births in the county among white families is precipitous, so you have—

Q. Why is that important to look at?

A. Well, it is a mistake—there are several phenomena taking place. One is suburbanization, which means there are work opportunities in the county. People don't just commute into Atlanta. There is new housing stock coming in. The black population is a separate important phenomenon in its own right.

Third is something profound taking place among whites households at this time. They are going from, let's say, four child typical suburban, four child family, to something between zero and one, and that's taking place rather precipitously. Begins in the late 1960's, peaks in the early 1970's.

It's not unique to DeKalb. Women didn't get together and decide to go childless in DeKalb only. It was [35] true in about four out of five states of the United States



in that era. Other women were deferring child bearing until the late 1970's.

Q. Why is that an important factor to look at in terms of population of schools?

A. Well, because two things were confronting the superintendent and the board of education in the county, not one. The two things were white enrollment declines which had to be responded to. That is to say, how do we retain the constituency we have had historically. How do we encourage people to remain in DeKalb. How do we encourage people to make use of the public schools for the children they are having.

Second, how do we get ready to host rising numbers of black households that are coming in.

The answers to those two questions are intertwined, and the answer to the first, how do we treat the fact that we are becoming a suburb, how do we relate to Atlanta intertwining as well.

So it's a mistake demographically to just think of change as consisting of large numbers of black households moving from Atlanta into the Terry Mill sector of DeKalb County. That's one thing taking place. There are two other things that are equally vital.

MS. WILDE: Your Honor, what do you want do about [36] a morning break?

THE COURT: I have been waiting for an opportunity to take it.

We will recess for 15 minutes.

(Recess at 11:12 o'clock, A.M.)

---

THE COURT: Resume.

BY MS. WILDE:

Q. Dr. Dentler, did you have an opportunity to review the kinds of things that the DeKalb County School

System did in response to this population shift we have been discussing?

A. Yes, I did.

Q. And can you give us a general idea as to the kinds of changes that were made by the district?

A. Well, yes. I got the sense that the central administration, the school system, knew what changes were taking place.

They projected the changes in racial composition of students and in enrollment changes. They mapped the location of the new households and the new students coming in. They anticipated adequately who was coming to the school system.

In other words, they knew ahead of time who was coming, and they had a method for planning in advance how do draw boundary lines, and they had a variety of actions such [37] as building additions to schools, closing a number of white schools, placing portable classrooms and adding some new schools in the increasingly black residential areas.

Q. How would you characterize DeKalb County's response to those demographic changes, Dr. Dentler?

A. Well, that the—the adjustments that were being made, and they were major adjustments after 1976, in my opinion, there were deep changes in population size and enrollment change and decline and so forth.

In responding to that, the desegregation priority was very low compared to the priority given to simply having places to host and serve the incoming population.

It was, in other words, a response which maintained the several different geographic parts of the district, which maintained some of the white schools, closed down some others when underutilization got too extreme, but never went to the question of how can these changes be employed to help retain white families and to host, welcome and include fully the new coming, incoming black families.



In other words, it was looked at as a set of deep demographic difficulties facing the district rather than a set of opportunities to complete the process of eliminating duality, so that school closings, boundary changes, the placing of portables were decisions made that kept the district somewhat up to date on what it needed to do to [38] handle declines in some areas and expansions in others but didn't consider desegregation as a policy opportunity, as something to affect every one of the decisions that come forward.

For example, instead of closing predominantly white schools, you might consider the opportunities they represent for desegregation.

Q. Dr. Dentler, Dr. Clark and Armor have testified at this hearing that any action taken by the system given the strength of these demographic waves wouldn't have had any serious effect.

Do you agree with that?

A. No, because I can't imagine a way in which you employ history to reach a conclusion that some forces were very strong and your ability to affect them was very weak.

I guess you could talk about the bursting of a dam that way. You could say, "Well, the dam really burst," and I guess you could conclude that it wasn't made thick enough or strong enough in the first place, but in this instance, I don't think you have any basis for deciding that.

I am saying instead that there were profound changes taking place demographically in the county. That's indisputable.

The question is whether those profound changes were incorporated in the planning, especially between 1976 [39] and 1981, and my examination of the record is that these were treated as difficulties, but they weren't seized upon proactively, that what was seized upon was the importance of preserving as much of the system from the past as possible.

Q. What do you mean by that?

A. Well, that things as they had been in 1970 after the closing of the virtually all black schools marked a kind of base line, the most important demographic moment in the recent history of the district. How do you preserve the virtually all white schools, for example, not necessarily as all white but just preserve their existence. Which ones can you sacrifice. Where—if we are going to have rapid transition, what are the ways it can be contained so that it doesn't permeate the district but concentrates on the area of immediate impact, the place where people are moving in.

So I don't see the use of a variety of tools that are employed, have been employed for 15 years elsewhere in the nation being picked up and employed here in order to turn powerful intervening forces into opportunities for racial inclusiveness and equalized treatment.

By the way, equalized treatment would help retain white children in the system, not drive them out. I'm not talking about the use of tools which would press more white families into Gwinnett County or into Rockdale, for example.

Q. And we will get to those desegregative strategies in [40] just a moment.

First, I would like to ask you, though, in your view, did the school system policy and practice in any way contribute to the level of student segregation and student assignment in your view?

A. Yes. That the—I have never worked with, planned in or studied a school district in which responses to rapid housing changes didn't affect the future of the system.

In other words, what you do about that housing change, the turnover, racial turnover, will determine how welcoming, how retentive, how viable, how reputable the district is and how well it serves the children.

Here it appears to have been treated as a tremendous challenge at a period of rapid change, confusion, uncertainty, but not until later in the 1980's is it stabilized,



and by that time the housing turnover is, as Dr. Clark indicated, the main event. That is, it wasn't accompanied by educational policy changes that were desegregative and encouraging.

I don't see that steps were taken that held or magnetized white households any more than they hosted or served black families in the period '76 to '81.

Q. What in your view is the role of racial identifiably, racially identifiable schools in housing decisions?

A. Well, there are uncomplicated reasons why people move, [41] and all we know about American housing is that one of the reasons people move into a particular location or move out of it has to do with the schooling opportunities available or reported on alleged as available for their children, so I don't—to me, there are complicated research problems associated with the interaction between the desegregation and housing, tremendous research difficulties in measurement here, but the practicality is you can affect land values.

The first district I worked in was one where we modified land values immediately within one year of introducing desegregation in White Plains, New York. The land values in the previously segregated localities went up, and realtors could tell you why.

Why did they go up? They went up because now you were driven around White Plains and the real estate agent said to you, when you asked the question, "so where are the black schools" or "where are the white schools," the realtor could say, "oh, we don't have any," and every neighborhood was in this respect the same.

So I don't see that—I couldn't find on the list of adaptations made or the moves taken occasions where closings or portable placements or renovations, other adaptations the system made quite diligently were made with a view toward improving the desegregative potential of the district, so I see these as tremendous opportunities missed.

[42] Q. Do you have any specific information on DeKalb County concerning the role of schools in housing decisions?

A. Well, I have gone over the question of whether the —I have looked at the data on the classified want ads.

Q. And what does that tell you?

A. And it tells me that advertisers of properties, of houses and apartments in DeKalb County will on occasion make explicit reference to the school in which the housing is located, the attendance area.

That's always in a positive frame of reference. There's always an advantage like having one and a half baths or two baths rather than one maybe.

Overwhelmingly when schools are mentioned, they are what I call Type 1 schools, the majority white schools, are presented and projected as a housing advantage.

So in that sense, the realtors here and the people who advertise to sell their own homes must know there's a connection between schooling and housing.

I don't know—I don't know that I have ever met anybody who didn't think there was a connection.

Q. I would like to shift and talk about what other strategies were available naturally to deal with the kind of demographic changes that DeKalb County found itself going through.

A. Yes. The events taking place in this school district [43] are not that different from events taking place in many other metropolitan area districts around the country. The responses that were being made by those districts are what is different.

So there are many desegregative tools that were being used between 1970 and 1985 in other districts, and there's a large kit of desegregative tools, many of which could have been taken out of the kit and put to work in my opinion in DeKalb, but they weren't.

Q. And what are some of those tools and where have they worked effectively?



A. Well, for instance, ideas about subdistricting. Subdistricting has been used throughout Ohio, Michigan, California, New York, Florida.

The move to county systems is a subdistricting response, and subdistricts within the counties in Florida have been desegregatively devised.

I don't see an approach here which asks how to break up a tendency for one part fo the county to be a high impact transition area, another part of the county to be in the school system predominantly black and another to be virtually all white.

Q. I'm not sure I understand the term "subdistricting."

A. Subdistricting means you could take a large county like this and break it into two, three, four, five subdistricts, [44] apart from attendance areas or zoning boundaries of the sort that they use in the district.

Each of those subdistricts can in itself be racially and numerically balanced with the others, and people can be assigned to schools within the subdistricts. You don't have to use the whole county just because it's there.

It is possible to make collaborative agreements with surrounding districts, to pool resources, to arrange for student and staff exchanges between cities and counties. These are commonplace now in St. Louis and in the plans that have just been approved and under implementation in Little Rock, Arkansas.

I saw materials in response to the interrogatories which made it appear that in DeKalb County, a child coming in from the Atlanta schools has been defined, at least in the answers, as disadvantaged prima facie, and yet I don't see the collaborative arrangement for exchange and co-equalization that are possible there without going to metropolitan remedies.

There are lots of forms of cooperation and collaboration that are feasible.

Mechanisms for ensuring that expenditures are equalized. If we have an increasing number of what I call

Type 2 schools, schools becoming increasingly black, [45] majority black, how can we make sure that per pupil expenditures are maintained equally across all the facilities during the period of rapid change.

The court order in 1969 specifically calls for programs that will eliminate the deprivation due to historic discrimination, so some of the expenditures we have for black children and youths have to be over and above.

In other words, I don't see that the tool of targeting dollars at minority learning opportunities has been employed or was employed in DeKalb over the period from 1970 to 1982.

Policy planning. The only occasion I could see when the Bi-racial Committee or other advisory groups got in the act of having an opportunity to advise the superintendent and the board was one occasion when there was Bi-racial Committee reports on desegregative actions that could be taken. That occurred, I don't know, some year like 1981.

I have not seen other evidence of community advisory mechanisms bearing on equalization of treatment.

In contrast, in Mobile County, Alabama, for example, we could put on the table seven such reports completed within the last four years by different committees, commission and the like.

There is one in the making not right now by [46] committees established there by the Chamber of Commerce.

Q. What other strategies were available?

A. Other desegregative tools that could have been used in the county and if you are not to include controlled choice, varieties of variations on the old freedom of choice motif, giving parents options for different schools they could attend. It's like a transfer scheme but a little more complicated and can be used desegregatively, has been used to increase desegregation in many districts.

Q. Let me make sure I understand. You are saying you would give the parents a list of schools to which they could send? Is that what you mean?



A. Yes. In other words, an annual opportunity for parents to apply to have their children attend a variety of schools. This is inherent in the minority to majority transfer program. That could be enlarged into greater freedom of choice, greater consumer choice, all of which could have been desegregative, all of which could have encouraged more cross race student exchange.

The clustering of schools, the use of schools at different grade levels, putting them together so that you figure out a feeder pattern from one school to another which is optimally desegregative.

Now, there are feeder pattern plans in the DeKalb system, but this was—these have not been devised for [47] desegregation purposes.

Q. How long has that concept been around, Doctor?

A. Well, clustering has been commonplace since the early 1960's and quite well understood and frequently used.

Magnet schools have been around for more than a decade. Magnet schools and magnet programs were in use from 1973 on in at least a dozen surrounding urban and suburban school districts in the south.

I don't see these were picked up on until recent years. Recently some magnet programs have been coming into being, but it would have been critical in 1976.

Q. Any other desegregative tools that were available to the county during that time frame?

A. I'm sorry?

Q. Are there any other tools which were available to the county during that time frame?

A. Yes. I don't see that there were urban to suburban exchange arrangements made, opportunities for white and black students alike to move between DeKalb and other counties or Atlanta proper.

I don't see that staff desegregation got very far beyond an affirmative action recruitment policy and a general distribution policy.

I don't see that there was staff development for a multicultural curriculum. I don't see that teachers were [48] taught how best to teach heterogenious groups of students, and yet teachers were having their classrooms change under them in the course of that period.

Another tool that is important, I don't see that decentralization of authority and decentralizaiton of operations came into play until the 1980's. The authority principals and other building administrators were not increased. This can contribute to desegregative options. There was no consideration of it as far as I can see on the desegregation planning record.

Educational equity. While there were program improvements introduced in the system after 1980, educational equity was, has not, and the tools under it have not been used in the county. These include, for example, programs explicitly designed to enhance the learning of black children and youths.

I don't see that the effective schools reform package was adopted here until 1982-1983, thereafter, until Dr. Freeman showed up, and yet they were available well before that time.

I don't see that early childhood education centers which are very important as compensatory offsettings to the ravages of discrimination were introduced. Those could have been of value to white parents as well.

I don't see that programs to welcome and assist [49] transfer students were introduced. The M-to-M program got off the ground in 1977, but methods of hosting students and welcoming them didn't follow on until 1983, '84, '85.

Transportation. There are transportation provisions in the system. I didn't see that these had been exploited for desegregation purposes. I don't mean busing, per se, but among the students being bussed, those who live well over a mile from the schools, are the burdens racially equalized or do we have mainly black students on buses? Do we have cross race transportation? That is, do the buses



have black students and white students and black drivers and white drivers on them?

The after school buses, the special program bus, again don't come into play as a desegregative device until the 1980's, so that the M-to-M program is reinforced when after school buses are made available.

Q. This may be kind of the flip side of that question, but what in your view should and could have been done specifically during that time frame?

A. Well, for example, the important moves on facilities and equipment, important change—what schools to close, what new schools to build, what portables to put in place, could have been approached as a facilities plan grounded in how to have it strengthen and reinforce desegregation aims of the district.

[50] Instead, it looks like conscientious work was done making sure the leaks were patched in the roofs and the windows were sealed and so on, and the stair landings were repaired, but the facility plans and the equipment changes were not connected or linked with desegregation.

Q. And can you give us an example of how you might do that or what that might look like?

A. Well, for one thing, the idea is that you wouldn't —when you come to the question of portable classrooms, you wouldn't be race neutral about it. You might have to use portable classrooms because you don't have the means to add an annex, but you wouldn't put the portables into areas where you have Type 3 schools. For instance, you would not reinforce increasingly virtually all black schools by adding more classroom space for the students there.

You would ask about every move, not whether there was a shallow effect on racial composition, that is of the sort called a zero to five percent impact on racial composition, but a systemwide effect. Which school closing, which portable addition that we make ramifies desegregatively throughout the system.

That's what I'm urging. That's what could have been done, because there were deep changes taking place in the district. People were not sleeping. It wasn't a habit bound sleepy hollow district by any means. It was rapidly [51] entering the modern suburban era.

Q. Are there still opportunities that can be seized in DeKalb County?

A. Would you repeat that?

Q. Are there still opportunities that can be seized for desegregation within DeKalb County?

A. Well, the sorts of things I'm talking about can always begin. The startup cost would have been lower earlier. It would have been wise to introduce magnet schools in the development in 1976 than to do it in 1988, but it's still achievable. It's still attainable.

It's possible, in other words, to give priority to desegregative strategies surrounding all of the decisions you are going to be engaged in making adaptively anyway.

That's what I'm urging. I'm not urging some alien remedy apart from the 17, 18 years of the history of this case be imported, dropped on the county.

I am rather saying how about shifting from a racially neutral strategy to a strategy which pursues unitariness consciously and explicitly.

Q. Dr. Dentler, what is wrong with a race neutral approach?

A. Well, a race neutral approach is what you would devoutly want to get to under the Constitution if you had eliminated the vestiges of segregation and discrimination. [52] In other words, you get to a racially neutral set of policies and practices after you have gone through a period where you eliminate gross inequities.

If you had tried to go race neutral before that time, you have locked into place the effects of disadvantagement on minority parents and students, and so they are doomed to run forever an unequal race.



You can do that with the best of intentions. You can begin to be as color blind as you possibly can be and discriminate racially for that reason, and that's my concern here.

There are, for example, not among the new programs that have been introduced since 1981, there are not programs that are tied specifically to desegregation. They are tied to all of the students or all of the district on a color blind basis.

Q. Dr. Dentler, are you aware that DeKalb is moving to a junior high school system?

A. Yes.

Q. And have you done any research in the area of junior highs or middle grades?

A. I did a national study with James Molitor, a colleague sociologist, in 1981 through '83 on reorganizing the middle grades in American public schools, meaning questions of moving from one form of grade structure to other and where [53] that was taking place nationwide.

I have been a student of middle schools and a shift from junior high schools to middle schools for 20 years.

The thing that intrigued me about DeKalb was that they are introducing junior high schools at the very time the junior high school is disappearing as the dinosaur of grade structures in American public education.

It was, itself, an educational reform in the 1920's and 1930's. The junior high school in that era was the time you got assessed and evaluated for whether you were going to go on to high school or not. That was an era when two out of three youths didn't go to high school.

That era is passed. That purpose for junior high schools is gone.

The change for the last decade has overwhelmingly been in the direction of formation of middle schools or intermediate schools which are different programatically from junior high schools, and where people aren't adopting middle schools they are adopting combinations of

kindergarten through seventh or kindergarten through eighth grade as their preferred approach.

Q. Have you taken a look at whether a transition to a grade reorganization can be used as a desegregative tool?

A. I would say in the 200 districts that we had data on [54] for our national study for the National Institute, that 150 of those had used grade reorganization as part of a desegregative strategy.

That is, this is another tool in the kit of desegregative tools. It's a powerful one. Sometimes it's used superficially simply, for example, to move eighth graders into high schools because there are more of one racial group or the other in the eighth grade, but when they are attached to program reform efforts, it can be done on a far more profound basis than that.

You can do something here that's educationally desirable at the same time it increases equality of treatment.

Q. Do you see any possibility for doing that here in DeKalb?

A. Well, not by taking the junior high school approach, through there might be other reasons, other complicated reasons I don't know about for developing junior high schools in DeKalb.

I can't—I haven't studied the details of those.

I do note that the two projected instances of changes are instances which reinforce the Type 1 school arrangement and Type 3 school arrangement. In other words, they do not make combinations that improve the racial balance of those schools.

[55] Q. Is there a way to do that?

A. I believe so, yes. I believe, for example, that one would start by developing magnet middle schools and employ those as demonstration and experiment stations for helping parents discover the advantages of desegregated intermediate education.



Q. Have you taken a look at the projected pairings presented by Dr. Armor and Dr. Freeman as to the combinations of junior-senior high schools?

A. Yes.

Q. Do you have any view as to what their desegregative impacts would be?

A. That's what I was—I'm sorry. That's what I was referring to. While I don't know some of the other reasons that might impel him in that direction, the two projected combinations maintain the racial composition status quo. They don't advance the aim.

Q. Dr. Armor when he testified said at one point that you can't do it, because you have got to go up to the white schools because of the way the district is shifting to black.

What do you have to say about that?

A. The district is moving and has been moving for more than a decade to a condition where it will be half black-half white. No one is able to forecast beyond that. [56] That's forecastable. I will bet practically anything I know about this subject on that likelihood.

That's not only a likelihood; that's an opportunity. That's an opportunity to say what else would we like to have happen. How can we preserve a 50-50 district. How can we maintain this.

I think anticipating a change beyond that is again an extension of a racially neutral and essentially passive policy approach, waiting to see what happens.

I am talking about taking a series of steps which continue to hold and attract both white and black households in the county, which, as I have read his materials, is what Dr. Freeman subscribes to, so he and I don't have a difference on this. The difference is in the priority we would give to desegregation.

Q. I would like to turn your attention at this point to the M-to-M program, Dr. Dentler. I believe that's one of the tools that DeKalb County did in fact use; is that right?

A. Yes.

Q. Are you acquainted with such programs generally?

A. Yes, I am. I have looked at transfer programs and monitored their implementation in other districts over the years.

Q. And generally how do they operate?

A. Student transfer programs are one of the oldest devices [57] that grew up immediately after the Brown Decision in 1954. In the first decade they were called open enrollment and free choice plans.

Then they sophisticated a bit as more and more people, for example, exercised an open enrollment, the opportunity to resegregate themselves, and, as the Supreme Court reached its decision in Green, transfer programs turned into controlled, race controlled programs.

You could transfer if it didn't modify the racial composition of the student body or if it contributed to desegregation.

So what we have in DeKalb County is a conventional approach to this, one that can be found in many, many districts throughout the United States. It appears to have existed all the way back to the beginning of the 1970's, a few students transfer. I have that in the answers to the interrogatories.

But the M-to-M transfer program as we have come to know it in the county today seems to have really begun in 1977. It was a feeble, tiny enterprise until about 1983, and then it began to take off, began to enlarge.

Q. When you were doing your analysis, what kinds of things would you take a look at in order to assess the M-to-M program?

A. Well, I spent a long time answering the question how [58] many students entered the program, how many people were in the program in each year from 1977 to the present.

Then I discovered in the last week's exhibits here that that had been done by the school defendant, but it wasn't available to me. I had to build it up out of records.



How many students are in it, how has that changed over the years, what are the racial compositions, the differences at school levels, and who goes where with what effects.

Q. By the way, do you attach any significance to the fact that it wasn't available from the system in that form?

A. Yes. As far as I can see, it wasn't until the last year or two at most that the M-to-M program gained some priority in the district.

In other words, the record I have which were provided annually, for example, to the Bi-racial Committee, differ in format, were not published, were casually devised, some of them were filled with mistakes which were noted by the administrators, so this—until very recently, this has been of very minor importance is what I would conclude from that.

More recently, they have put out the brochure. They have started to exercise some outreach. They have taken their own interest for the first time in the question [59] of who is in it, in improving the projection of seats and the like.

So it's picking up weight, and that's not surprising because it was so small it served less than one half of one percent of the students in the district in 1977.

It grew very little between 1977 and 1983, whereas now it serves about four percent of the elementary students and about nine percent of the high school students. Still a minor influence on the demography of the county school district. Nevertheless, there's a tremendous increase in involvement.

More than 90 percent of the remaining seats that are available in the program as of 1987 are reserved for white and other students. These are likely to continue to go empty. They appear to me from the records to have gone empty in each year they have been listed because most of them are based in Type 3 schools and some Type 2 schools.

They are unpopular with white students and, indeed, those are schools who have lost white students in recent years, not gained, so the M-to-M program has nearly reached its ceiling of impact on the district. It has almost gone as far as it can go.

My guess is that by 1990 it might serve six percent of the elementary students and 11 percent of the high school students, and that would be its effective [60] ceiling.

Q. Have you reached any conclusions as to the desegregative effect of the M-to-M program, Doctor?

A. Yes. The M-to-M program, my conclusion is it doesn't desegregate a single school in DeKalb County's School District, that it does not make a contribution to the overall improvement of racial balance in the district, and this has to do with who applies and who goes where in the program.

Q. Let me show you what has been marked as Plaintiff's Exhibit 29 and ask you if you can identify that.

A. Yes. This is a table that I made up from the records that were available annually, ard I cast them into a framework that reflected racial, student racial composition of the elementary and high shools.

Q. And how does one read that table? What are the various categories?

A. Well, the categories are—first, the top rows have to do with elementary schools and the M-to-M program in 1977, 1980, 1982, 1987. Those were the four years on which I could get complete information.

The E stands for enrollment. M stands for number of students in the minority to majority transfer program.

Q. And that's by percentage; is that right, sir?

A. And that's by vertically taken percentage so that, for [61] example, 25 percent of all the students were in elementary schools that were on average nine percent black.

Two percent of the students in those schools were part of the M-to-M program, so you can see from the table that the schools that, the 19 elementary schools that on



average are 97 percent black were heavily subscribed in the M-to-M program at first. They have gone toward zero over time.

In other words, originally students in the, black students applied to go to a different predominantly black school from the one they would have been assigned to by attendance zone.

As those seats were used up over time and as those schools became virtually all black, the action shifted to the transition schools, so students in M-to-M are not making use of the virtually all white schools, and they are not making use of the all black. They are making use of the Type 2 schools.

The M-to-M program has not impacted the Type 1 schools.

As far as I could see by analyzing the records of applications which I had for recent years, it's not likely the M-to-M program will do that over time, either.

Q. And why do you say that, Dr. Dentler?

A. Well, there are seats that will continue, in those [62] schools that will continue to go unused because those schools are farthest from the black residential neighborhood, they are least well known, their outreach activities is limited under this program.

It's very difficult for black parents to know whether there would be some advantage in sending the child to one of those schools.

Q. Have you reviewed either of the studies done of the M-to-M program?

A. Yes.

Q. And what were those studies?

A. Well, there was a survey undertaken of parents in the district, a mail survey, and it included a subset of M-to-M parents, and most of the responding parents thought that they had chosen schools that were desegregated and offered better educational opportunities of one kind or another.

In other words, there's a double incentive. Parents think they are getting a better opportunity and they are getting a more desegregated school.

A similar study by the district, however, found that M-to-M transfer, black students do less well on achievement tests than do those who do not transfer.

Later on, I got a one page regression analysis which I think said the contrary. I got that last week.

So I have one study from the district which said [63] M-to-M students don't do as well, and then I got one that said they do better, so I don't know.

Q. What sort of support services are important for an M-to-M program?

A. There's been a great deal of evaluation, research on open enrollment programs, on freedom of choice programs, and then more recently on student transfer programs.

The benefits of student transfer are very much a function of the extent which the staff and students in the receiving school are prepared and supported by the district for the task of welcoming and aiding those students who are coming in as transferees.

In St. Louis, I was in charge of negotiating that for the St. Louis Board of Education with the participating county districts. Twenty-one of them host students from St. Louis on exchange. We have very complicated mutually agreed upon terms and conditions for receiving and assisting those children. There are now nearly 15,000 of them.

The districts that do that badly have high student turnover and high student failure rates. The districts that do it well have benefitted the children from St. Louis who have gone into them.

So either you are welcomed and made at home and aided in your change or you are in difficulty. You are worse off than if you had not transferred.



[64] Q. And have you taken a look at how DeKalb addresses that problem?

A. Well, again, DeKalb has since 1981 introduced some good educational programs. It has, for example, human relations officers in most of its schools. That's helpful.

So are the instructional improvement programs that have been introduced helpful. Those are not, however—those again are race neutral. They are not explicitly aimed at the 95 percent of the transfer students who are black.

So, again, we are not talking about who is going where and how can we assist the children and who have suffered most historic discrimination. We are talking about having good programs available within to get there which is a nice idea but doesn't contribute to desegregation.

Q. How would you summarize your findings on the M-to-M program, Dr. Dentler?

A. The M-to-M program is a help. The district, it seems to me, can take understandable pride in having expanded it substantially over the last two years. It was quite feeble before that. I would imagine that it could even begin to introduce support and assistance provisions for the students as the program matures.

So I think this is a positive potentially beneficial program that's catching on now.

In order to have an impact on the district as a [65] whole, it would have to be correlated and linked with a series of other desegregative actions.

As what we would call—to stand alone, it can't make it. It's too small. It's too weak.

MS. WILDE: Your Honor, I'm about to shift to magnet schools. Would you like me to continue or would you like me to stop here?

THE COURT: Well, how long—well, I have got another hearing at lunch time. I guess this is about as good as any time to break. I hope I can conclude that and get back on schedule.

We will recess until 1:30.

(Luncheon recess at 12:30 o'clock, p.m.)

---

[66] AFTERNOON SESSION

BY MS. WILDE:

Q. Doctor Dentler, before lunch we were talking about the M-to-M program. The question I didn't ask you is, what actions weren't taken that should have been taken to enable the M-to-M program to reach capacity?

A. The M-to-M program has to be promoted as a source of consumer options to parents. It was not so promoted until very recently. It has to have demonstrated posting and assistance services available for the receiving —in the receiving schools for the transferring students. Those are still missing.

All of the schools have to be open to transferability. There have been years in which one set of schools have been somewhat pitted against another, controversies over, for example, whether schools in racial transition could be receivers for transferees, or whether it's only virtually white or white schools should be the receivers. It seems to me obvious that you would want to optimize it wherever you could, and you would want to build a reputation that a transfer student has good chances of benefiting from the transfer.

Even if you did all of those things, I was trying to represent that this is a very minor feature of a desegregation policy.

[67] Q. Are there ways of targeting schools?

A. There are ways of targeting schools, for example, by having other kinds of programs going on there which parents recognize as beneficial. I don't mean magnet programs, but sources of assistance; since most of the transferees are black students and will continue to be, a desegregated district often attaches its compensatory programs and its enhancement programs to the transfer act.



Q. What's been the result of a failure to do that in DeKalb.

A. Well, it's not only to maintain the racial neutrality, in my opinion, but to guarantee the continuation of the racial disadvantagement that was there in the first place. As the proportion of black students hosted by the district goes up, the magnitude of the harm done multiplies, if the only thing you're doing is carrying out some operations such as the present M-to-M program.

Q. We have been talking a lot about various desegregative tools that could have been used. What in your view has been the result of DeKalb's failure to use those tools?

A. Well, I characterized them first as missed opportunities. I would characterize them in combination. If you don't pick up any of those tools from the box, you have only a Bi-racial Committee and an M-to-M transfer program of very limited scope, then unless uncontrolled [68] natural forces or state policy reversed your condition, you're going to compound the discrimination and de facto segregation that you began with. And that's exactly what I think has occurred.

There is more racial isolation, there is more racial identifiability in schools now by far than there were before the remedial steps were taken.

Q. What in your view was the duty imposed upon defendants?

MR. SAMS: Your Honor, I would object to this line of questioning. I think that's an inquiry for the court, not for this witness.

MS. WILDE: I'm happy to rephrase the question.

THE COURT: All right.

BY MS. WILDE:

Q. Is there any evidence in your view that the defendants have taken seriously the obligation to, quote, perpetuate desegregation, Doctor Dentler?

A. No. There are specific steps that can and are implemented in other districts I have worked on to accomplish that language, and they are missing here. They have not been taken here.

More specifically, for example, you have got to have enhancements and compensatory instructional efforts to undo the effects that you had before you introduced a remedy, [69] and those haven't been introduced in the 17 years in question, and I can't assess what might come into play two years from now.

Q. Let's talk specifically about magnets. I believe you testified that magnet schools are among the programs that could have a desegregative effect, is that right, Doctor?

A. Yes.

Q. What is a magnet school? How would you define it?

A. Well, magnet—a magnet school is a school that people apply to have their students, their children and youth attend on a voluntary basis out of shared interest in the programmatic theme of the school, so it has three characteristics: It's voluntary in its enrollments. Its thematic in its program, and, number two, people know in advance that it's going to be racially representative of the district or it's going to have a racial composition which is explicitly desegrated.

Q. How long has that idea of a magnet school been around nationally?

A. Well, it grew up out of several cities in the 1960's and was enormously reinforced in its spread and development in 1976 with the Emergency School Assistance legislation of the Federal Government which pumped well over a hundred million dollars into the development of the magnet programs in hundreds of school districts.

[70] Q. How long has it been used as a tool for desegregation?

A. As a tool for desegregation, from its outset, when it was first devised in Pittsburgh, for example, it was



a desegregative tool when it was built into the federal legislation in the first place.

In today's federal legislation, it's even more explicitly a tool of desegregation, so some districts have used magnet schools for other purposes: For example, to appear to desegregate. In my line of work, we call it magnet-school-as-a-shell game for a school system. But most districts have used it as part of a desegregation plan that is larger than the magnet school or magnet program approach.

Q. Have you yourself done any work in the area of magnet schools or magnet planning?

A. Yes, I have contributed to developing magnet schools and magnet desegregation plans as far back as 1967 in Buffalo, New York, and in Rochester, New York; in 1983 I co-authored a—I studied for the U.S. Department of Education on magnet schools, and their effects on achievement and their costs and the desegregative contributions they make.

Q. Have you reviewed DeKalb County's current magnet program?

A. Yes. I have not only looked at the representations [71] that Doctor Freeman made in his deposition, but I have looked at what has come up since that time, what the representations were in court.

Q. What conclusions, if any, have you drawn from that review?

A. Well, that the magnet school strategy has yet to come to DeKalb County. There are some—there are some magnet programs which are themes available within the schools. For example, there is a science program available. I totaled up the number of students actually enrolled in the programs in 1986 and got approximately 500 students altogether out of the more than 70,000 students in the—

Q. Has DeKalb County's program had any desegregative impact in your view?

A. Well, they are not—there aren't magnet schools yet. There is not a single magnet school in DeKalb

County as I have defined one. And by the way, I didn't make my definition. I went from district to district interviewing people and asking them what their definitions were, so this is a state of the trade in school administration. The definition is commonplace and widespread. The open enrollment campus, for example, is a specialty school for a set of special services for students with special needs, but it's not a magnet school in the sense that parents or students who are 18 years of age or above apply to attend [72] it because it offers an instructional theme and because it would—they know in advance that it will be desegregated. That's not what the open campus is.

So, to describe it as a magnet is to demonstrate that the magnet idea has yet—even after years of instruction by a magnet expert, David Armor, has yet to penetrate the policy planning of DeKalb County schools.

Q. What would it take to have magnet program with serious desegregative impact in DeKalb County, Doctor Dentler?

A. Well, there are some districts in the country that operate some good magnet schools which have no consequences for desegregating the system. A vivid illustration of that is Houston, Texas, for example, which has some excellent magnet schools and some excellent magnet programs, but which maintains almost 100 elementary schools that are all black, alongside those magnet elementary schools.

So, I'm asking the question, how many seats, how many programs would you have to have in order to have an impact on the county as a district, and my answer to that question, which I have both researched and which I have planned on in other school districts, is that you would have to have at the bearest minimum at least from five to 15 percent of the seats in the system contributing to the magnet schools or the magnet programs.

When you get below that level, you might operate with [73] one or two or three excellent schools, but they have



no effects. They would be like the M-to-M transfer programs is pragmatically.

Q. Have you reviewed Doctor Armor's survey on magnets and the possibility of their use for further desegregation.

A. Yes.

Q. And what conclusions have you reached as a result of that survey?

A. Well, I think, of course, the survey was not based on an analysis of the responses; I have seen nothing except the percent of answers to each of the telephone questions, and no relationships between any of the responses, but it's serviceable so far as it goes.

It tells us that people would be interested. It tells us that parents would like to have choices; it tells us that people would move toward desegregated schools if those schools offered educational opportunity that were distinctive; and it in my opinion lays a foundation for the enthusiasm that Doctor Armor has for magnet school development, which I share. The difference is whether it has yet reached DeKalb.

Q. What in your view is the viability of magnets within DeKalb as an effective tool?

A. Well, in that connection, one of the things you don't do, one, in my judgment, that Doctor Armor thinks you do do [74] is ask people what themes they would like to have and then do your planning based on their responses.

My experience from trying that elsewhere is that if people don't know what a magnet school or program is and you ask them, the only thing they mention are a few schools that they know about; for example, they say, "Well, I would like a school that emphasizes reading and writing," or "I would like a school for gifted students," because they have heard of such schools, or they have been to them.

I don't think you get an indication of the scope of interest until you develop a magnet plan with some citi-

zens, and at that juncture people show up, people start to materialize, faculties start to express an interest, and they take part in the planning. That's how you develop them.

So, in order to do this, you would have to do what hasn't been done for over a decade in DeKalb: you would have to have citizen planning, faculty planning, staff training, staff development, and investment in a whole series of schools which you are going to designate as the places where magnets would be emerging.

By the way, the emergence of magnets has consequences on your other assignments.

Q. What do you mean by that?

A. Well, you introduce magnets in part in order to [75] desegregate non magnet schools. As a school is emptied out of its non magnet students over time and it just has people going to it because it's a magnet school, you have to make adjustments in who goes where to school for a regular school; and that's your occasion for modifying student assignment planning at that level.

There is no such thing as introducing, say, 10 magnet schools into DeKalb and then not modifying the regular student assignment plan. It won't work.

Some of the magnets would be in all black schools, some would be in transition schools, some would be in all white schools, and that will create changes in student assignment policies of necessity.

For instance, it might mean you would introduce a controlled choice strategy. Ask the parents—open the system up so parents have a chance to choose among many non magnet schools, or to give their preference.

By the way, these are—these innovations are fairly commonplace in other desegregated districts. I'm not talking about something you can do in the future. They are particularly well developed nationwide over the last decade.



Q. Have you taken a look at what are called the integrated experience programs within DeKalb County, such as the writing centers and that kind of thing?

[76] A. Well, integrated experiences dropped away nationwide after the Keys decision in Denver where part-time programs for interracial exposure were evaluated by educational researchers.

The court in that case, both at the district and the Supreme Court level, using that evaluation information, concluded that they are not worthwhile.

Q. Why is that?

A. They are not worthwhile for two reasons: one, children don't get enough exposure so that there is a social learning that you can measure from part-time programs. It doesn't do what you think it will do, and that is increase interracial competence.

Second, many of the programs had the effect of disadvantaging the black and chicano students in the Denver—

Q. How would that happen?

A. Well, by having a program which put children together in a way where what the minority child learned from the brief encounter was that he wasn't scoring as high as his white counterpart, and so you come out of it with a brief interlude, a brief encounter, doesn't change attitudes, doesn't change achievement and further discourages the self regard of the child who is bussed in for the part-time experience.

[77] Q. I would like to shift again—

A. I would like to add that they were forbidden in the Austin corridor based on these.

Q. I would like to shift again, Doctor Dentler, to the question of allocation of resources.

Have you done any examination of the DeKalb County system on a school by school kind of level?

A. Yes.

Q. And what was the nature and purpose of that examination?

A. Well, I started with—I started my review some months ago on the question of "Well, what has the Board of Education and the administration done desegregatively in DeKalb?" I reached the conclusion that the system was still seriously segregated.

Now, what is the effect of that segregation? It could be, for example, that it was mitigated. It could be that children were treated so equal within the system that the segregation, offensive as it is, would not have as deleterious an effect as it might otherwise have, so I wanted to know, in other words, under the circumstances of having schools that are all white, having schools that are all black, having schools that are becoming all black, what is the state of equity in the treatment of students. And so I began to join in a series of analyses that would [78] answer that question. I call them the racial effect series.

Q. How did you do your comparisons of schools within the DeKalb County system?

A. Well, because we want to know whether the distribution of resources and the treatment characteristics of the schools were racially equal, the dependent variable, as we would call it in the analysis, would be the student racial composition. And that could be for 1986 for racial composition. And that could be for 1986 or for previous years.

Racial composition could be approached in terms of my typology that I described this morning, Types I, II and III, and I started the analysis with that, or it could be with more a conventional variable, percent black students in 1986, or percent in any given year; or it could be average over a period of time. We use them all as the variable to be accounted for statistically, that is, its variance to be accounted for statistically by expenditure and other resource and treatment variables.

Q. You mentioned the typology earlier. Did you do any tests to determine the validity of that typology before you used it in the analyses?



A. Yes. The first question about the typology, which is just one of the ways we classified the schools racially, the question was, what does it signify. My idea was that [79] some of the schools had been identifiably white, as I explained this morning, for more than a decade and still are. Some others had been identifiably black for more than a decade and still are, and some schools were changing, and the residual category, the Type II changing schools, were changing in the direction from majority white to majority black.

Now, how would you make sure that the typology classified could mean this? Okay. The Types I and II seem to me to be polar opposites in student composition. These are just two logical ends of the spectrum. Type II is intermediate, it's different. Schools inside it have changed over time.

What about the period, the problem of the validity of the period I chose, the decade? I thought that the decade was the key one because I looked at the enrollment totals and the population totals for the county in each year from 1969 to the present. 1976 was a change point. That is, there was a rapid infusion and a rapid exodus and a rapid decline in school-aged children all heading between 1970 and 1976, or '75.

In '76, you start to have a relative stabilization of those processes. The percent black students reached its present halfway mark in 1976. The typology focuses, in other words, on the contemporary desegregation phase. In [80] other words, after—from '76 on we were in a period when the district could have done a variety of things to cope consciously with desegregation. The period before that was a period of relative uncertainty; it has the impact of coping with the court orders. I have given it a period of delay. And so that was the logic.

I also noticed that the blockbusting activities in the county seem to have reached some kind of cut down, some substantial reduction by 1975. There was not only indignation, there was litigation around that.

I also noticed that M-to-M began in earnest in 1977; the year before it we had some busyness. There were transfers that the district was doing. I noticed that the Bi-racial Committee came to life the year after the typology, so I was reaching for a date when things—when something other than closing six virtually all black schools took place.

Q. All black or all white schools, Doctor Dentler?

A. In 1969, virtually all black schools were shut down. What happened after that that we—

Q. Very good. Thank you. I was confused.

A. Now, what about my measurement validity on the typology? That's another question here. The Type I and Type III schools had the pattern of being identifiably white and identifiably becoming black at the very least [81] even before 1976. In other words, you could do enrollment projections and foresee, if you didn't do anything else, if you had no policies, you were going to get Type I and Type III schools and sure enough, that's what you get.

Another way of putting it, my typology is not a continuous variable, but it correlates .9 to .95 with the continuous variables I do have, such as percent black students, such as average percent over the decade. So, in that sense I have got considerable measurement validation.

Q. Once you have these categories, Doctor Dentler, the typology and the other measures of racial composition, what is it that you did from there? What was the methodology and the purpose of your inquiry?

A. Well, the—if this had been a research project, the research hypothesis would have been that student racial composition has zero association with resource distribution and school treatment characteristics. This is a policy analysis, not a research project, limited to the one district, so we are just using a working hypothesis which is a test of whether there are segregative effects persisting and prevailing in this district is whether the treatment characteristics are associated powerfully with student



racial composition. Are you disadvantaged if you're black and you go to a Type III school? It's logically conceivable that you aren't; hypothetically [82] conceivable that you're not, and so that's what I wanted to find out.

My working hypothesis was that if you are a child in DeKalb county, it would be best to be a child in a Type I school and next best to be in a Type II and the next best to be in a Type III, which is a violation of the principle of free, inclusive and uniform public education.

Q. Were you right?

A. Well, I was—the working hypothesis was supported in 16 out of 17 of the statistical tests we made of the typologies. And I don't think I have had a comparable project in the last decade where anything that was socially measured came out that often and in that firm a direction.

In other words, out of the 17 tests, there was only one instance where a racial effect, a racial distribution racially influenced distribution did not show up. And that particular measure was simply teachers' Master's degrees.

Q. Let's take a look at the various—you have mentioned treatment characteristics. What is a treatment characteristic, Doctor Dentler?

A. By "treatment characteristic," I mean a school is a learning environment, and how you distribute, how you assign or deploy materials, adults, programs inside that environment predicts how children will experience the environment, how they will be treated by it, so a treatment [83] variable could be percent of leaking roofs. If the environment leaks, that's nasty. And the question would be whether Type III schools have more leaks than Type I.

A treatment variable can be the experience and the preparation level, quality, extent of teachers. It can be the per pupil expenditures. It can be the number of books per student. These are just indicators of how you're treated when you enter the environment. Do you get a teacher who knows her subject? Do you get a classroom that has books in it that are—there are enough of them so that some of them get to you, and so forth?

Q. How did you choose the treatment characteristics that you used in this analysis, Doctor Dentler?

A. I used the treatment characteristics that were available from within the range of data that had been collected fairly consistently over time by the district as of obvious importance to it, and then shared with the parties. In this case, on interrogatories.

Q. One of the characteristics you examined was teacher experience. Why did you examine that characteristic?

A. Well, teacher experience is associated with how students are treated. In other words, an experienced teacher is more likely to treat a student effectivey with regard to instruction than an inexperienced teacher.

Now, there are important exceptions to that. Those [84] exceptions include the fact that some people are very fresh and alive when they are very young and they are just beginning, and they take risks that more experienced teachers don't take, and they may be closer in age to the learner, so a proportion of first year beginning teachers are highly effective and then it thins out.

What we pay for, what we recruit, what we employ, what we give benefits to in American public education are people with higher experience. I would rather be taught by someone who has spent years in her subject field than by someone who has not.

Q. Do you have any sense as to the numbers of how many of the first year teachers might fall into your category of the exceptional enthusiastic category?

A. Oh, I don't know. The research that is done on beginning teachers was done in the '60's when there were pressing teacher shortages, and there were enough newcomers, enough young teachers. We haven't been in that era for a long time. Districts are not hiring that many first year newcoming teachers, but at the most, I would be talking, say, about two out of 10 teachers having an initial advantage from inexperience of being bright and



bushy-tailed and not yet sort of beaten down by the bureaucratic nature of public education.

But in research, it's difficult to relate teacher [85] experience to a variety of other variables, including achievement. There is a research problem here of having too many multi-varied considerations; too many other things are affecting achievement.

In policy and practice terms, I don't think there is any dispute. We certify teachers on the basis of experience, we recertify them on the basis of experience and so forth.

Q. You also took a look at teacher education. What's the importance of that characteristic?

A. Well, teacher education, going back for further training, self initiated continuing education is the hallmark of improving your competence in teaching. It differentiates quite markedly, in my opinion, between people who are struggling to stay alert and alive about new knowledge and new pedagogics, and those who aren't, those who go to sleep.

So, further study, graduate study, is indicative, and districts pay for it. That is, that's an incentive that they hold out because they benefit; their students benefit.

Q. You also took a look, I believe, at teacher turnover. Why was that an important characteristic for you to look at?

A. Teacher turnover is a major source of stability and continuity in the learning environment. Low teacher [86] turnover means, with the exception of—with certain important exceptions, that you have a learning environment where a child knows who is going to be in it, how it's going to be, what the school year is going to be like, where the other teachers cooperate with one another because they know one another. You can count on the future.

High turnover means uncertainty, disruption, dislocation, lack of cooperation. Now, there are exceptions. If everyone on a school faculty represents deadwood, then

high turnover is desirable, but I don't think that's particularly applicable to DeKalb County. I have studied districts where that's the case. I don't see it here.

Q. How about number of library books in the elementary schools, why is that important?

A. As I say, that's just a treatment characteristic; it answers the question, relatively speaking, how many books are available to a child, with the likelihood that if I'm learning to read, I can read books that will further my skill; the size of a library in a school is another conventional attribute of the environment, so it's a treatment characteristic.

Q. How about per pupil expenditures, what's the importance of that?

A. That's one of the most compelling ones there is—[87] well, I have worked in over 100 local school districts. I have never been in one where I met anyone who didn't think that how much you spent mattered or that you didn't get what you paid for. Pupil expenditures are the first line of examination of the viability of a public school district in the United States.

Now, it's true that some districts are more efficient and smarter, cleverer in spending their dollars than others; it's also true that some districts spend a lot and get very little, but mostly, most districts get what they pay for, so how much you spend in a school is a measure of the treatment of the children in that school. And again, it's mitigated by a variety of other considerations, but it's critical. Parents understand it; school board members understand it. They strain ordinarily in most districts to try to make it equal except under circumstances where you have something like race intruding.

So my question was, do they expend equally across schools in DeKalb?

Q. By the way, was any control put in for the size of the school in this analysis?

A. Yes, we had—in the regression analysis, we had the size of schools as one of the step variables in every one of the regressions.



Q. Now, you also used what you have called outcome [88] measures. What are those, Doctor Dentler?

A. Well, that's—that has to do with, for example, the obvious, a measure of student achievement. We had the California Achievement Tests. The school defendants came up later with the Iowa Skills Test. They are both creditable measures, conventional measures of school achievement.

I would like to mention in that regard that two California or two Iowa tests do not make a gain or a loss; in other words, we used one because we had it. If I had another one, I really couldn't talk about gains. They are all cross section; you just have it for one year or another. In other words, it's specious to act as if you're locked in a room, you get a score when you first go in, then you get a score later on, you subtract one from the other, and that tells how much you have learned. Tests weren't devised to do that. And what's more, they are given in such a way that it's always a current indicator. Any one of the tests is a pretest, or anyone is a post, if you want, so we just used it as—the 1984 California test as a main measure of outcome. There are other measures of outcome: student retention.

Q. Why is that important?

A. What are the success rates of students? In Georgia, the word retention is a euphemism for school failure. To [89] me, it's a twist of the—it's a twist of the term. If you're failed, you're not really retained, but it means held back. It's the same as non-promote.

Q. What does that have to say about the way the system has been dealing with its students?

A. Well, only that it's another indication of how it works out; that is, how have the children been treated, what are their scores, how many of them pass the subject or skill areas that year, since they have proficiency tests, and supposedly retention is based on meeting the level of proficiency for your grade level.

Q. You also had a measure called failure to complete levels. What was that about and why is that important?

A. The question here was we had enough information from the district to get up a measure of the discrepancy between, that is, who is promoted but didn't complete all the proficiency levels anyway.

Q. And why is that important?

A. Well, you might have the possibility—for example, if there is a racial effect, you might have black students who don't perform with proficiency but who are moved on anyway just to move them up and out of the system, social promotion.

Q. You also, I believe, looked at percent black teachers in schools; you build in a Singleton Index, is that right? [90] A. Yes. And there the question is what's the distribution of teachers by race and how does that—how is that related to student composition. Two questions about Singleton. One has to do with that as a court-ordered figure to comply with. Did the district comply or not? Another one is, what's its pertinence to the teaching and learning environment, so we use that as another treatment variable.

Q. So, once you had your categories, your measures of racial composition and your treatment characteristics, what kinds of analysis did you do with those, and what did that tell you, Doctor Dentler?

A. Well, first we analyzed the treatment and the outcome variables in relationship to the typology of schools, and the answer there is that in 16 of the 17 analyses we ran, children in Type I schools are advantaged over children in Type II and Type III schools, that the treatment variables are more favorable in the Type I schools, with the single exception I mentioned of the master's degrees, per se.

All of the tests ran in a pattern of direction. Now, sometimes the Type II schools were not—it wasn't always a uniform step pattern, so that Type I was best,



two next, three next. Most of the time it was like that. But as the graphs show, once in a while the differences pile up between Type I and III only, and don't show on Type II.

[91] But what they mean is that the resources are skewed in DeKalb County; they are not distributed in a race neutral fashion. The way students are treated is skewed racially and the students are not treated in a race neutral fashion. The outcomes are skewed. Students are retained disproportionately by race. Their achievement performances are racially unequal, so all I'm saying is the consequence of inaction in the period from 1976 through the present is to compound the underlying vestiges left over, remaining from the de jura (sic) era. They have gone on, the inequalities have built up, even in a context where the district has made policy commitments toward racial neutrality.

Q. How does this compare with other districts or systems that you have looked at, Doctor Dentler?

A. Well, I don't think that I ever worked in a district which—with the exception of the Boston public schools in the liability phase of the case—I don't think I have ever worked in a district where the racial composition variable linked this consistently and firmly with every other available measure.

Now, there are things that I don't have measured that I would like to have measures on, but this isn't a research project; this is an effort at a statistical assessment of unitariness. Is the job done? And the [92] answer came back repeatedly again and again, by the way it comes back, whether you use something other than the typology.

Q. What do you mean by that?

A. Well, you get the same results if you use percent black or average percent black students over time from 1976 per school, so it doesn't matter whether you're building in change as in my Type II or you're just using present terms; the district has not equalized the alloca-

tion of resources. It has not neutralized the treatment of racial groups, and it has not offset this by having programs for minority students. It hasn't countervailed its own persisting maldistribution.

Q. By the way, I believe one of the techniques you used when you did these analyses was a correlation. Is that right?

A. Yes.

Q. Can you please explain the importance or the role of correlations in this kind of research?

A. Well, correlation analysis is the foundation of social and behavioral science analysis; except when we have experiments, we are usually dealing with correlation coefficients. Multiple regression analyses are built up off of correlation analyses, so a correlation is simply—it's a zero ordered coefficient. It tells you about how [93] two variables are associated. Multiple regressional lets you put in more than two variables, but it's still a matter of a set of correlation coefficients. I take correlation coefficients seriously as the most useful tool I have got.

On the high schools, the typology, by the way, didn't hold up in 16 of the 17 cases. In other words, I have always got to separate in analysis elementary from high school. For example, high schools have fairly equal distributions of books per pupil. Well, this is because to get accredited at all, you have got to have a sizeable library in a high school; so when you count it as per pupil, it comes out fairly equally.

So, only 12 of the 17 separate tests applied to the 22 regular high schools, and such things as number of books did not hold up. But those are all shown in the exhibits.

Q. The 12 that did hold up, what was the pattern you saw there, Doctor?

A. It was exactly the same for high schools, with the most extreme skewing on treatment and on resource distributions coming between Type I and Type III schools.

I'm just saying that on a handful of the variables, including books per student, the high school association



did not hold up. They didn't reach the level of significance that I was requiring. They might be called zero association.

[94] Q. You began to talk about other educational programs within DeKalb County. Have you had a chance to review the kinds of educational programs that have been —such as the adopt a school or such programs that have been apparently newly implemented within DeKalb County?

A. Yes.

Q. And what is your opinion of their relation to this case?

A. Well, there are some programmatically exciting entries. I think that district, for example, is a pioneer district in its lead teacher development; that development of levels of teacher competence and levels of teacher recognition is an important strategy for improving instruction, and that's going on now in DeKalb.

That program and the others on the inventory that I looked at are not introduced as deseg—there is no connection with the desegregation objective. For example, the adopt a school program is as race neutral as it can get.

Unlike a circumstance, say, in the Boston School Case where businesses said, "Well, we would like to adopt a school, we would be glad to pair one," they came in and called on Judge Gary—I was present at the sessions—they said, "But leave us out of this desegregation business. That's painful. That might lose us some [95] customers." And the judge replied, "Well, it's unpopular here and it's losing me some customers, too, but what we are doing is desegregating the schools. Now you offered to help out. Do you want help? I'm not ordering you to do anything. Do you want to adopt a desegregating school and commit to assisting it?" And the answer was, at first very timidly and nervously, "Well, okay, we will try it. Just don't say that word too often."

But as the steam picked up, that's been part of the policy. You adopt a school to help it desegregate, to improve its cross-race opportunity. You don't just adopt it because it's there.

Q. What would be the difference? What difference would happen within a program if it were done explicitly for desegregation reasons?

A. Well, first, teachers know that desegregation matters; it's not something that happened in 1970 and now you can forget about it. Teachers know that this is still working on that. They know that they might get assigned for desegregative purposes. Second, parents know. Third, white parents conclude that there are programs in the county that are aimed at retaining them. That's part of the desegregative strategy. Black parents know that there are adopt a school policies that are aimed at enhancing the learning of their children that are explicit about that, so [96] it means that you're unifying your educational aims around the elimination of this major obstacle from the past. This is a very big rock that had to be broken up and removed.

Q. Have you taken a look at whether DeKalb County has done anything with its remedial obligations?

A. It has a significant chapter one program. It has remedial services based in its schools. Again, it hasn't linked its compensatory, developmental and remedial services to desegregation.

Now, there are—there are racially grounded differences in the present school abilities of black students and non black.

Q. What should the program look like? What should it be doing?

A. Well, you ought to make sure that—just as you make sure that low income students have an opportunity to have free or reduced lunches at school, so you make sure that black students have remedial, developmental and compensatory enhancement. And you're explicit about that. And you say that's what it's for, and the school board votes for that because that's what it's for.



Q. I would like to change focus yet again and switch to the Bi-racial Committee. Have you reviewed the history of the Bi-racial Committee?

A. Yes, I have read the minutes from the time—from the [97] meetings where the minutes began to be regularly recorded through the present, yes.

Q. Do you have any opinions concerning the effectiveness of that committee as a desegregative tool, Doctor Dentler?

A. Yes, I'm familiar with these committees. I have met with them in other districts. I have helped courts write the basis for creating them. I think the idea of this committee was sound. It fits—it's a legitimate, necessary desegregative tool, and there is evidence that the court attempted to mediate uncertainties and differences that came up in the early years of the Bi-racial Committe, so here's a committee charged with advising a school board on desegregation, monitoring the main tools which are the transfer program and boundary changes, so the mandate seems pretty reasonable to me; the selection of the people in their early years meant that the meetings had content and things happened in them.

As I watch the Bi-racial Committee, the advice disappears over time. By the time we get into the '80's, it's certainly got—it's a high consensus group as far as I can see. It's not talking about alternative strategy. It's focusing only on transfers and boundaries and not having much to say about that. In other words, not much has happened in the last five years.

Q. What was it saying in the earlier days?

[98] A. I'm sorry?

Q. What was it saying on the question of desegregation in the earlier days?

A. Well, in—I don't know, I don't remember the year exactly—but there was a year when there was considerable planning; there was a review of the whole status of desegregation. The Bi-racial Committee extended its ef-

forts to consider the whole policy purview and made a series of recommendations to the school board.

As far as I can see, that happened once. There were other occasions where there were close votes or protracted debate about the import of boundary changes. That happened in years from '78 to '81, perhaps. After that, they go in to what looks to me—as far as I can read, the controversy runs out, and there are not—there are not new strategies coming up.

Q. What should have been its role for it to continue as an effective tool for desegregation?

A. Well, every district I have worked in that has a Bi-racial Committee—by the way, they usually have them at several levels. There is usually one for the district, and than there are ones for attendance areas or ones for schools. I'm thinking of Cleveland, for example, where there is a Bi-racial Council in every school. In those, Bi-racial Committees handle the question of racial equality [99] of treatment in race relations in the school system over all. They mediate it, they critique it, they publish what they find. They complain, they hold hearings, they send red alerts to the judge. They recommend changes. That's what I mean by a Bi-racial Committee. And this looks very passive to me.

Q. I'm going to shift to the area of faculty and staff. Have you done a review of DeKalb County in the area of faculty and staff, Doctor Dentler?

A. Yes.

Q. And what essentially have you done? What are the areas of your review?

A. Well, I had material on the implementation of the Singleton Standard, the idea that the proportion of certified black staff ought to equal the percent system wide.

Q. What is the purpose, by the way, of that standard?

A. The purpose of that standard is to equalize treatment in the learning environment and to give a voice to minority educational concerns in all units, from central administration outward to all the schools. Some people



reason that it also provides role models for students of both races.

Q. And on the question of role models, what is meant by the notion of role models?

[100] A. Well, the notion of role models means that a black student can discover that her hopes and aspirations are expressed in a mature adult who is teaching or leading a school. It means somebody to emulate, somebody to model one's own conduct against.

It means that a white student can discover that a black person, A, can become a teacher, a principal, and, B, does it in such a way that she merits emulation, so it's a cross race role model. It's for both groups.

Q. Have you done a review of DeKalb County's assignment of teachers by race?

A. Yes. I used the standard that I used in New York and Buffalo and in Boston. I asked the question, how close has DeKalb come to my standard? And that standard was to what extent are there schools that depart from over 1.25 and under .75 on the Singleton Standard Index. The index means, if you're perfectly on it, if you had the perfect representation, the balance, it would be 1.0.

So, a school that had a teaching staff or a certificated staff that equalled the percent of black staff in the district would have a 1.0. A school that departed by 25 percent plus or minus would, I say, be in violation of the Singleton Standard.

Q. And when you say 25 percent, 25 percent of what, Doctor Dentler?

[101] A. 25 percent of 1.0.

Q. Okay.

A. In other words, over 1.25 means it's a school with an excess of black certificated staff; under .75 it's got too few such staff to be representative.

Q. So, that's plus or minus 25 percent of—

A. Yes.

Q. —whatever the system wide number is?

A. Yes. So, my—

Q. How did you come up with that standard of deviation, Doctor Dentler?

A. I have used it—I have used it in advising other judges. I have used it in planning with school boards. It is just a rule of thumb. You say how do you know when you're in compliance and how extreme is your departure from the standard.

Q. Just so I understand, could you do the math for me? If we had, for example, 26 percent black teachers in the system wide, what would a 25 percent deviation look like?

A. I'm not going to convert it here. I'm just saying that that would be okay. That falls in my compliance categories.

Q. But we are not talking about 25 absolute points, we're not talking about two to 50 whatever?

A. That's correct.

[102] Q. So it's 25 percent of the 27?

A. That's right.

Q. Okay. And when you used that ratio to assess, what did you find, Doctor Dentler?

A. Well, I applied it to the 73 elementary schools, regular elementary schools. I found that 56 percent of those 73 fell in my okay interval; that is, that 41 of the 73 schools met the standard. I found that 16 were over it, and 16 were under it.

So, I had in effect 44 percent of the schools far from compliance with the Singleton Standard. And most of those, four out of five of those, or over four out of five of those schools that were far out of compliance were Type III schools.

Q. Long term black?

A. Long term black student schools. In other words, I can predict not only that nearly half of the schools will be out of compliance, but I know which ones are by far most likely to be out of compliance.

Q. Is there also a skew to the white?



A. The skew for the white is exactly the same. The Type I school tells me who is under—in other words, 13 of the 16 schools that have excess black faculties are Type III, and 16 of the 16 that have insufficient black staff are Type I.

[103] Q. How about at the high school level, Doctor Dentler?

A. The high schools, the—most of the high schools are in full compliance, but the pattern is the same; that is, the few that are out of compliance here fit the pattern I just described; that is, two of the Type III high schools, for example, have excess black staff.

Q. And when you say out of compliance, we are talking again about this 25 percent range, plus or minus 25—

A. Yes.

Q. —percent of the underlying figure?

A. Right, yes.

Q. Doctor Dentler, is it possible to achieve Singleton?

A. Yes.

Q. How have other districts done it?

A. This is one of the most common remedial devices available. It's one of them that's most promptly fulfilled and it's most promptly fulfilled above all not only by recruiting black staff, certificated staff promptly and early, but then taking pains to retain that staff after you have them in place.

In other words, you have to have personnel policies and practices which are retentive of your faculty and which reduce turnover.

Q. For example?

A. You would have to have—I'm thinking of districts I [104] have studied that have exemplary personnel practices. I have a series of them identified in my monograph for the National Institute of Education on the selection of principals in American schools. Those are districts where all of the teachers know that they have good chances for advancement if they perform well. They know that the policies subscribed to by the board, starting with de-

segregation, are actually going to be implemented and carried out. In other words, this is a fair and just system in which the teacher is expected to live by the rules as well.

For instance, I think convenience of commute for a teacher is an important benefit, but I don't think that teachers stay in a district if people get to move around so that it's convenient for some and inconvenient for others. I think that they stay in a district if a district explains that it has rules designed to achieve the Singleton Standard, that it intends to do it and that it's going to do it. I think teachers admire the implementation, the administration of personnel on the principle of distributive justice. And they have told me so in interviews. I have interviewed hundreds of teachers across the land.

Q. In your view, has DeKalb gotton serious about implementing Singleton along those criteria which you laid [105] out?

A. I think that DeKalb has recruited black teachers. I think it has extended its recruitment efforts out to the sources of black teachers in Georgia, at least, which is better than other districts I have seen. I think that it has not communicated a fair and impartial policy aimed at achieving full compliance; that it has made an equivocal statement about this that take convenience and seniority into account and don't uphold the idea to begin with.

For example, I favor the possibility of going beyond the Singleton Standard and having more black teachers in the future. I see no reason to be limited in the future sense to the proportion of 25 percent or 26 percent or 27 percent black teachers.

Q. You're saying increase the system wide average?

A. (Witness nods head up and down.)

But that is a matter of increasing the system wide employment of black staff. It's not a matter of equivocating on where you comply and where you don't. You



can't sort of comply or comply in the white schools but not comply in the black.

Q. What would be the role of community preference in complying with the Singleton Standard, Doctor Dentler?

A. I think that community preference can be translated into future policies, such as recruiting more black staff, [106] if the black community is interested in that, as it's likely to be.

I think that on the subject of compliance itself and meeting this order and achieving it, community preference is a detraction. I think you have to—you have got to withstand it.

Q. Are you aware that DeKalb has a transfer policy?

A. Has a transfer policy?

Q. Yes.

A. Yes.

Q. What's your assessment of that? What are its effects?

A. Well, such a transfer policy is commonplace in American public school districts where segregation, desegregation are not involved.

Q. What do you mean by that?

A. Well, if other—if other things are equal, then teachers who have seniority and tenure ought to be most convenienced. They ought to be able to elect to transfer. Their movement is more negotiable than that of beginning teachers. I have no dispute over that.

But in a desegregating district, movement is a critical dimension of compliance with the Singleton Standard and with the equal treatment of students, so this labor principle has to be subordinated to the constitutional principle, and it hasn't been. At least [107] according to Doctor Freeman, transfer is dominant.

Q. In your view, is teacher turnover symptomatic of larger problems?

A. Yes. There is plenty of research on the subject of teacher turnover as a source of student achievement and adjustment difficulties. It's also a sign, as principals

will explain to you, of the viability, annual viability of the school.

Q. Are there ways to address those problems on teacher turnover?

A. Yes. There are building administrators and personnel directors and superintendents who know full well that you can introduce personnel policies that lead teachers to want to stay where they are at, to attract them, hold them; and you can measure the viability of a school on this basis, its holding power for its faculty, and you can introduce those policies if you have the support of an administration and a school board that want to accomplish that.

For example, if you gave priority to the Singleton Standard, then you would work on retaining your white and black faculty at the school level, and you would do this because the district would be making resources available to make that possible, very low level expenditures that increase a teacher's autonomy and control over such things as field trips, curricular materials, release time for [108] planning; they all help reduce turnover.

Q. What's wrong with DeKalb's approach to the teacher turnover problem, Doctor Dentler?

A. It's not linked to a larger objective. There are some principals—as I gather it from the record, there are some principals who are taking pride in low teacher turnover, who have accomplished some strides in that game, but that's not a system wide plan of the kind that's been introduced desegregatively into the Montgomery Public Schools in Maryland, which I studied, for example, where you ask which schools is this most essential to, which schools are vulnerable, which schools are losing experienced teachers, and how do we offset that, how do we build in more stability there.

Q. Would allocation of resources in any way affect teacher turnover?

A. Yes, absolutely; teachers are very conscious of who gets shortchanged. For example, teachers don't like to



teach in schools where the resources are diminished and where students don't do as well as they might do somewhere else because of that, and they like to get out, they like to get to a school which appears to be more viable.

They are not looking for a school where the students are self-instructing, where you hand out a course outline and they all perform nicely, thank you very much. They are [109] looking for challenges. But if they are aware of skewed distribution and they are aware that some schools are more favorable than others, they are going to try to get them. And that will cause violations of Singleton.

Q. Have you done an examination concerning placement by race of DeKalb's administrators, at the school level, principals, assistant principals?

A. Yes, yes. I looked at—I analyzed both principals and building administrators; building administrators include assistant principals.

Q. What's your conclusion?

A. Well, on the matter of principals, it's fairly obvious that the racial skew is the same as it is for teachers; namely, that at the elementary level, there are 18 black school principals; 13 of them are—there are 18 black principals; 13 of them are in Type III schools. There are five black high school principals; four out of five are in Type III or Type II high schools.

Q. Let me show you what's been marked as Plaintiff's Exhibit 34 and ask you if you can identify that.

A. This is a table of 1985, '86 race of school administrators by race of student, yes.

Q. And is that indeed the figures you were giving—

A. Yes, that's mine, and that's not principals but that's school administrators, yes.

[110] Q. So the numbers you were giving us a moment ago were principals, is that right?

A. Yes, and I'm saying it's the same either way; that with principals, the distribution of principals is racially skewed by the student composition, such that black is put on black.

On school administrators, the pattern is the same; to wit, at the elementary level, among the 93 schools, there are 20 schools with students who are 81 to 100 percent black. Among those, 60 percent of the black administrators are present, so the blacker the student composition, the more likely the building administrators are too be black.

Q. What's the import of that, Doctor Dentler?

A. That Singleton Principle hasn't been carried across to the administrators, and that's a direct signal to parents, teachers and students that it doesn't have priority.

Q. What, if anything, does that have to do with the racial identifiability of schools?

A. Well, it helps reinforce it and it's a singal to emerging, developing educational leadership in the system, to a young woman or a young man, if you are black, what you may get to do is lead a virtually all black school in your future. If you would like to go to a district where your opportunity is racially neutral, it's time to leave this [111] district.

Q. Do you have any overall conclusions as to the meaning of your findings on Singleton to the question of disestablishing the dual system?

A. Yes, that student racial balance and racial identifiability is the first essential, the first way of analyzing, but the second most crucial consideration is the distribution of staff, certificated staff and leadership by race, and the record a dirtrict has in complying with its own goals or court ordered aims; and in this circumstance, the distribution supports directly the racial effects on the student. It skews them.

MS. WILDE: Your Honor, I have about another 25 minutes to half an hour. Is this an appropriate place for an afternoon break?

THE COURT: All right. We will take a 15 minute recess.

(A short recess was taken.)

THE COURT: You may resume.



BY MS. WILDE:

Q. Doctor Dentler, have you had a chance to review a summary of the testimony of Doctor Walberg?

A. Yes, I have.

Q. What criticisms, if any, do you have of his approach and of his methodology in approaching the questions in this [112] case?

MR. SAMS: Excuse me, Your Honor. I think the question was a summary of Doctor Walberg's testimony, and I don't know anything about a summary. If he's read the entire transcripe, that certainly—or the deposition—

MS. WILDE: He has read the deposition, the transcript—

MR. SAMS: She said summary.

THE COURT: I think the question was summary, I thought.

BY MS. WILDE:

Q. Have you had occasion to review the Deposition of Doctor Walberg?

A. Yes.

Q. And what critique, if any—the various depositions of Doctor Walberg—what critique, if any, do you have of his approach and methodology?

A. Well, I have not only studied those and have critiqued, but I also had the exhibits, the regression analysis both before and during the hearing.

Q. Okay.

A. Do you want to include both?

Q. Yes. Given what you have seen and read, do you have any critique of his approach and of his methodology in this case?

[113] A. Well, I was concerned first, that in his first deposition, Professor Walberg defined desegregated schools, quote, "as neighborhood schools in which there is no racial discrimination as well as voluntary transfers between neighborhood schools," and I just wanted to remark that I have not seen that definition of school, of

desegregated school before. It's novel, so far as I can tell from my years of acquaintance with this topic, which are as long as his, if not longer. And beyond that, the definition highlights the question of whether there is discrimination against black students in the DeKalb system. In other words, it takes but one standard. My answer to that question is, I have given evidence that there is such discrimination, that it's disadvantageous to be in an all black school, for instance: that you will be shortchanged if you are. So there is discrimination. I disagree with Doctor Walberg's conclusion that he has no reason to think that there is any discrimination.

Now, in order to test this, Doctor Cole and I agreed to use Doctor Walberg's data obtained from the school district for multiple regression analysis, the one you can find in exhibits 89 and 91, and use our dependent variable, percent black students in the district, instead of his, which is the Iowa Achievement Scores.

Q. What's the relevance of using percent black students [114] rather than using Iowa Achievement Scores? Why do you do that?

A. Well, we have maintained from the beginning that the way to test the question of whether there is a racial effect, whether there is discrimination inherent in the distribution of resources and treatment characteristics, is to make the proportion of black students, or some measure like it, the dependent variable in the analysis, not achievement. This isn't a research project on Iowa Skills scores. It's a test of the place of racial grouping on your fate if you're a student in DeKalb. We used his measures but ran them with this change-around. And his measures included the pretest on the Iowa and reduced lunch, free lunch, turnover among teachers, Master's degrees, length of teacher experience, so forth. And the step-wise regression results so that three of the nine available variables in our approach produce an adjusted multiple correlation coefficient of .67, which is as good as he got, except on his analyses where he used—where



he ran prescores against post-scores on achievement, and of course, those are up in the 95 to 98 coefficient range, but the three variables which in combination account for 67 percent of the variance are the mean number of years of teacher experience, the percent of DeKalb teachers who have master's degrees per school, and the pretest scores on the [115] Iowa test.

Q. So, what you're saying is his data run on percent black students gives those as the three important factors?

A. Yes, yes. These come out well above, and what's more they account fairly adequately for differences in student racial composition, so the—what I am getting at is if we ask his question about discrimination, the answer is, yes, if you're black, you're going to be in a school where the teachers have lower levels of teaching experience and where they have fewer teachers with master's degrees required in the district, I might add, over time; and third, they are going to be affected by their achievement scores, which is obvious.

Q. So, essentially the results are the same as what you were finding, is that right?

A. That's what I'm saying. His—we haven't differed in our regression analysis application from Doctor Walberg. We differ dramatically on what constitutes the dependent variables.

Q. By the way, what is the effect of school achievement, of desegregation on school achievement? That was a topic that Doctor Walberg addressed in his testimony. What have you found that to be?

MR. SAMS: Your Honor, I'm going to object to this line of questions. In previous depositions, I [116] understood this witness was not going to testify to any of this. We have not had a chance to cross-examine this witness on this subject, so we think it's out of order.

MS. WILDE: Your Honor, in Doctor Walberg's deposition, he didn't tell me that he was going to come in as an expert on desegregation and achievement either.

MR. SAMS: That wasn't the form of the objection.

THE COURT: What, now? What did you say?

MR. SAMS: I said that wasn't the form of my objection, that she—my objection was that this witness has not—I was led to believe that this witness was not going to testify on this subect matter, and now she's going into an area which I though was going to be outside of the scope of this inquiry.

MS. WILDE: Your Honor, I had no warning that we were going to be talking about the effects of desegregation on achievement. I'm not going to be going into what constitutes learning. I'm simply addressing the same topic addressed by Doctor Walberg, which is the desegregative—the effect of desegregation on learning, and it will not go beyond that topic.

THE COURT: I will overrule the objection.

THE WITNESS: Doctor Walberg said in his deposition that he had reviewed the studies of the effect of desegregation on learning, and he had reached the [117] conclusion from his review—I believe he named some 17 studies—that the effect was negligible, close to nonexistent.

BY MS. WILDE:

Q. Is that your view?

A. And I could not disagree more. I would say rather that there have been many poor desegregation plans, and there have been even more desegregation plans, good or bad, that have been poorly implemented, and those plans have had negligible—or sometimes detrimental effect on learning, so there is a relationship. The relationship can be positive or negative depending on the quality of the plan, depending on whether the plan has educational components in it to begin with; and next, most of the reviews of most of the studies came in an era when educational components were missing from desegregative remedies. In other words, we have grown up over the years, we now



recognize it; if you want to have an effect on student learning, you have to introduce something to have that effect.

Now, that does not mean that there isn't a strategic policy effect on learning from desegregation, and I think that is expressed both in the Brown decision and in the briefs and argument leading up to it; namely, if you equalize treatment and you equalize the distribution of resources, you will lift all boats (sic). There will be a [118] benefit.

Q. To everybody?

A. To everybody. And that benefit will ge beyond social learning. It will penetrate academics. There will be instructional gain. But that's as far as the constitutional concern goes.

Now we come to the question of program in a district; if you want to achieve unitariness, then you take those steps so that learning and desegregation are linked and they are linked to have a positive outcome. In other words, you have programs which will benefit students because they were previously segregated. You eliminate the segregation and you remedy the obstructions that it imposed on their learning opportunities.

I differ with Doctor Walberg in the question of whether that's been done in DeKalb County schools. I think we have abundant evidence that this is a piece of unfinishd business. That's very dramatic, very substantial, jumps out at you, not only in terms of racial balance and identifiability of schools, but on the distribution of resources in the learning environment.

Q. Doctor Dentler, what has your review told you about whether or not DeKalb has met standards in the area you have reviewed on unitary?

A. My reviews told me that some of the things I listed as [119] critically essential to assessing unitariness have never been addressed in DeKalb and that others have barely begun to be addressed; in other words, that students are still distributed, they are assigned to schools

and they attend schools in a manner which is racially separated.

Q. How extreme is that separation?

A. The separation is extreme enough so that it's visible on first flush; from any year, just go in and look at one of the maps and there is a tier of schools in this regard, a hierarchy of schools running from mostly white to mostly black; that that has persisted, it has not been combated; that the changes that have been made in the system to modernize it and to adapt to demographic changes, while significant, have not been harnessed to the engine of desegregation; that these are not just missed opportunities, they have to do with not eliminating racial duality, letting it be there, in the teacher force, in the leadership force, in the student distribution, and in the tools that are employed. I don't just mention the tools because they are nice; I mentioned them because you could achieve racial unitariness in this district by starting to work on it tomorrow or this afternoon.

Q. What are the implications of those tools not being used in the previous 18 years?

A. The implication is that I can't—I can't now, by the [120] way, talk about some things I might do in the future. I have to look at what I have accomplished this far. Am I unitary now? Not next year, but the year after. Am I unitary now? Did I do those things? Are the opportunity costs becoming fairly staggering The answer is yes, and it will be harder to do now than it would have been in 1976, but it's still possible.

Q. Had it been done in 1976, would it have been effective, in your view?

A. Yes, I think that this is a —this is not a gravely underfunded declining central city, like a hundred central cities were in America at that time. This is a burgeoning suburb; this is the sun belt to which Boston families moved. We were busy studying where they were going from Boston; the answer is, they were going to



places like DeKalb County. You have the opportunities, you still have. The suburbanization is still going on.

Q. Have you been able to assess why those tools were not being used during that 10-year period?

A. My impression from the record is that the school board and especially the superintendent, or superintendent, concentrated on preserving the gains that the white constituency had made over the years, that protected—where possible, protected the Type I schools, did not take steps to open those out or to host changing population [121] there, and that they waged battles of attrition in the transition zone, slow adjustments that—not slow adjustments—adjustments were made on the Type II schools, but they sequestered the Type III's. Those were left virtually all black, no action, no remedial actions were mounted, and the idea was, we will put our attention on preserving the white hegemony where we can.

Now, the mistake in that is not only can you not eliminate racial duality that way, but you can't even retain white families that way. That strategy is, in my opinion, one way of facilitating white flight.

Q. Why is that, and what else could you have done to retain the white families?

A. Well, that it's not a policy of inclusiveness, it doesn't bring people together, and white families can see that that policy is going to lose over time as more white families sell their houses and depart. In other words, you have a triggering effect, a dynamic already in place. You have the years of blockbusting behind you, but you still have action ahead of you.

So, the white families don't see what steps are being taken except what I would call a kind of triage: "We will favor our neighborhood schools when we can," and often that's not enough, so people relocate, but a different house in Gwinnett or Rockdale and call it a day. That's [122] the same as achieving white flight.

Q. How would you characterize the district's attitude over that 10-year period or over the 18 years toward the Type III schools, Doctor Dentler?

A. Well, I don't presume anything psychological or I can't assess from a distance the innerworkings of attitudes, but these are the schools that manifestly could be ignored or treated about the same as the other schools, but no extra help. In other words, they would be losing a little bit each year by virtue of having started the race with such a disadvantage in the first place.

Q. By the way, what in your view is the role of projections and plans to the unitary inquiry?

A. I think that they don't do any more than demonstrate that every large—to my knowledge, nearly every large public school system is making forward plans, is anticipating new things to do, have lengthy agendas—it's called improvements, reforms—that you need to cut off point.

When we came to this question in Boston, we had to say, all right, we agree the test year will be 1984, and we don't talk about what the superintendent might do in 1986. I'm not—in other words, I can't make sense out of magnet schools statements where there is no magnet school or program. It doesn't bear—unitariness is a question that [123] deals with past and present action, and those come up against the cut off point. I don't know whether future magnet developments will take place or not.

Q. I had interrupted you. You were giving me the areas in your view where DeKalb has not yet achieved the standards that you had said in your review for unitary.

A. It's racialy imbalanced, it has schools that are extremely isolated racially, that continue to be identifiably black and identifiably white. It has failed to comply even in the broadest interpretation I could make with the single standard on certificated stat (sic). It does not have a Bi-racial Committee which engaged in advising and guiding on desegregated strategies and race relations. It



has an M-to-M program which has done about as much as it can do, which is very little, to desegregate the system. It has the bearest bones beginnings of magnet programs, affecting in my count about 500 students at present, and there are some good ideas going, but they have a very long way to go, and they are in shortfall right now.

So even on my briefest list, this district is segregated and has not offset the vestiges of discrimination as they impact on the child's daily learning experience, and that's the essence of the school treatment. It's not a unitary district, and it's got some exciting good intentions which I have tried to note and honor, but [124] they don't bear on this—they don't bear on this assessment.

MS. WILDE: One moment, Your Honor. (Pause.)

Your Honor, I have no further questions of this witness.

* * * *

[113] BY MS. WILDE:

Q. And you said you are looking at schools. Is that why you used school based racial composition, Doctor?

A. Yes, it is. I didn't go beyond that except to ask that we compute the index of interracial exposure and dissimilarity for historic purposes to see whether it had changed over time.

Q. Do the correlations tell you anything about whether the schools are equal, Dr. Cole? Sorry. Dr. Dentler.

A. Yes. Yes, they did, and they tell it in a language of difference. In other words, as percent black goes up, resource availability goes down. As percent black students goes up, treatment characteristics that are relevant to equal learning opportunities goes down.

That's what I found, and the relationship is distributive. We measured it in terms of differences. It was the different levels of racial composition.

Q. Was there any pattern or system to the patterns of deprivation that you found?

A. Yes. They are consistent across a wide range of disparate measures, measures which aren't correlated with one another as well as measures which are highly intercorrelated and redundant, play out with very few exceptions in the same direction and with the same high magnitude.

[114] The A-Nova Device was introduced simply to cope with the fact that the types of schools we used were not a continuous variable, and that's a statistical package that copes with that fact.

Q. Is it fair to characterize your results as a systematic deprivation of Type Three schools?

MR. SAMS: Your Honor, that's a leading question. I wish she wouldn't do it. Objection.

THE COURT: Don't lead him. Go ahead. Don't lead him. He is your witness. Go ahead.

MS. WILDE: Are you saying the witness should go ahead or should proceed with the question?

THE COURT: The question was asked. If he can answer it, go ahead.

State your question again.

BY MS. WILDE:

Q. Do you have an opinion as to whether or not what you have seen represents a systematic deprivation, and, if so, what is the opinion?

A. Yes, I have an opinion, and the opinion is that the relative deprivations at the school level are systematic. That is, they go across a considerable range of evidence, and that range of evidence bears on different dimensions, different aspects of the DeKalb County Public Instructional Services. They are built in in a variety of respects.

[115] Even when we do not get a significant effect, the effect goes in the direction of the other systematically patterned variables.



Q. You were asked, Dr. Dentler, on cross about teacher experience as I recall.

I would like you to take a look at Plaintiffs' Exhibits 130 and 131 and first tell me whether you have reviewed those.

A. Yes, I am familiar with this.

Q. And what do those exhibits show you, tell you, on the question of teacher experience vis-a-vis racial composition?

A. Well, this is a legitimate but low budget method. Some people would call it a quick and dirty method for assessing whether there are differences in experience levels by percent black students and only using the extremes.

That is, the schools that are zero to 25 percent meaning predominantly white versus the schools that are 75 to 100 percent. But then on the other side breaking out the levels of experience. That is, instead of using all the schools, you just use those in the extremes, but you ask about teachers with less than a year experience meaning the greenhorn beginners, the students with less, I mean teachers with less than three years, meaning the non-tenured, sort of greenhorns, and then the average number of years of teaching which is the more continuous variable.

[116] Q. And what differences do you get on the zero to 25 percent black versus 75 to 100 percent black on the first year or less?

A. For the mainly white schools, the zero to 25 percent black student schools, 13.4 percent of the teachers in those schools have less than a year's experience in contrast to 25.1 percent of the teachers in the predominantly black schools.

Q. And how about less than three years?

A. Less than three years, which is the tenure cut point, the test for competence and permanence, for the mainly white schools, it's 17.4 percent. For the mainly black schools, it's 45.1 percent.

Q. And I believe that's an elementary school exhibit; is that right?

A. These are elementaries, yes.

And then on the high schools using the same two sets, for less than one year, the mean is 10.2 for the mainly white schools and 28.2 percent for the mainly black high schools.

And for less than three years, it's 25.2 for the mainly white schools and 45.7 percent for the mainly black high schools.

So just as we are using the extreme case schools for the tests, the differences between the percentages are [117] very great.

Q. There was some discussion about Main Street, as I recall, on cross-examination. Have you taken another look at Main Street and figured out whether indeed that's a type One school?

A. Yes. One of the mistakes made on listing schools in my typology appears to have been a mistake of a typist.

Q. You are talking about the court exhibit on Knollwood?

A. Right.

Q. So—

A. On Knollwood we made a mistake on typing the court exhibit, but we didn't make that mistake on the data entries.

On Main Street, I spent last night trying to figure out how I got Main Street on my data set when it didn't exist in 1976, and I think the answer is on one of the charts I used I dropped down from another school. I made a visual—I fell off the line, and Main Street did get into my set by error.

Q. When did Main Street open?

A. Main Street opened in 1980.

Q. And what was its percent black at that point? Well, was it majority black at that point?

A. No, it was not. Far from it.



Q. Okay. And is it majority black today?

[118] A. When Main Street opened, it was 2.5 percent black, and in 1986 Main Street was 22 percent black students.

Q. So for those six years it would fit the definition, but indeed it didn't exist in '76; is that right?

A. Yes.

Q. Have you done any review of what the values were for Main Street? Can you tell us what would happen if Main Street weren't included in Type One, Dr. Dentler?

A. Yes, and until I fell asleep from the fatigue of it, I tracked out the values on some ten of the independent variables that were entered for Main Street as mean scores and then compared them with the values for the three types, and what I was doing was determining whether Main Street had, what effect it had, whether it stacked my findings in the direction of a racial affect or worked against it.

Q. And what was your conclusion, Dr. Dentler?

A. The answer is, if you remove Main Street from my set, the differences between the Type One Schools and the other two types became more extreme. That is to say, for example, the per pupil expenditures at Main Street are notably less than they are at some of the other schools.

Q. So it would bring down the average or mean?

A. Yes.

The point is that Type One schools have significantly higher per pupil expenditures, so this was [119] true for average percent black students, for teacher turnover, for the expenditure data for two years, for books per pupil and for years of teaching experience in each of three years, so what I am trying to get at is, it's an error, it's not an error that bent the results in favor of support of the hypothesis.

Q. So your conclusion without Main Street is what?

A. My conclusion without Main Street is that the differences between the Type One schools and the other two types of schools became more extreme.

Q. Can you explain what the potential value of a middle school is for desegregation purposes, Dr. Dentler?

A. The advantage of a middle school is above all that you can reorganize the grades in the system to make a contribution to system wide desegregation. In other words, it's part of redistributing students in order to equalize the school environment.

Secondly, you can introduce a program in the middle schools which helps enhance the learning of black students.

The competition that fits the high school model and therefore the junior high which is preparatory, is reduced. The philosophy in the middle school is to reduce competition as far as possible and to emphasize student cooperation and mutual learning in the clusters that I was [120] describing earlier.

You can carry out that kind of program under other labels, of course.

Q. I believe we went in on cross to your opinion concerning nothing being done to host the black or retain the white students leaving the system.

Can you tell me what, for example, the closing of white schools has to do with that conclusion?

A. The closing of a school in a desegregation district is an important occasion for considering the racial equity of student assignments. In other words, it's a time when you modify boundaries or subdistrict or introduce magnets or transfer incentives.

So when you close a school if you want to close as part of a desegregation strategy, you don't close and then put the students in other nearby schools that are without exception the same race or have been larger proportions of white students, but as far as I could reconstruct it, that's what all the elementary level closings were like after 1970 in the upper half of DeKalb County.

So what you do in effect is close a school as the enrollment declines but make sure the enrollment is located at the nearest available white school so—



Q. And what's wrong with doing that?

A. What's wrong with doing it is that it isn't—it's not [121] a desegregative activity. It offers no relief for the black students on the one hand and for the white students on the other.

It's a signal to the parents that their portion, their stake in the district's constituency is eroding. The have been rummaging around in a half filled school for a time, and now they get assigned to one where the decline for all they know may begin again. It's not a hosting kind of full house strategy.

Q. And what is the problem with building new schools in the black areas for the black students or building additions to black schools in the south?

A. There's nothing the matter with building additions. I despise portables and so does the Georgia State Education Department and the Alabama State Education Department, but we use them. They are a practical necessity.

Apart from the important question of whether portables are used for the racial effect, when you do use them or you add an annex or you build a new school, you have an occasion for further student desegregation, and so you don't just say, "Well, we have enrollment pressure over here. Zip in a portable." You ask, "Well, if we put portables in there, how could that be linked with student desegregation policies at the same time?"

So that the mix changes at the same time, and so [122] in that sense facility provisions are very vital. You can make use of them to make very deep changes in the racial equity of the system.

If you just add annexes or portables to very predominantly black schools, you are just going to increase the likelihood that you continue to have identifiably isolated black schools over time.

Q. We had talked a little bit about the M-to-M value. I would like to show you Plaintiffs' Exhibits 22 through

28 and ask you to just take a look at them and tell me whether these were what you were referring to.

A. Yes. These are the materials which have been distributed to the Bi-racial Committee and out of which I made my record of how many M-to-M students there were in given years.

Q. And your opinion on current level of participation in the M-to-M program is what, Dr. Dentler?

A. My opinion is that it's very close to the ceiling that has been, both been projected and can be accomplished. The potential of this tool which has come to be appreciated by various groups in the district, I gather, is extremely limited. We have taken it as far as or close to as far as it's likely to be able to go.

* * * *

TESTIMONY OF FRANCES PAULEY

* * * *

[147] BY MS. PAULEY:

A. Yes, I guess it was, although we had very little contact with the board. The board—the contact was really through Mr. Renfroe who was our liaison between the Bi-racial Committee and the Board. He had a kind of a rough job there.

BY MS. WILDE:

Q. What kinds of things did you feel that you as a Bi-racial Committee should be considering that there was some disagreement over your role on?

A. Well, one in general. Some of the larger things, I would have liked to have seen us go into how could, what were some other things besides M-to-M, because we had never felt that M-to-M was a really a, any great tool to treat a desegregated school system.

MR. SAMS: Your Honor, she used the word "we," and I still want to make sure—



THE COURT: She's already indicated that there were "you" and "them" and one more that made "you" stronger, so—

MR. SAMS: I didn't know if the die hard segregationists were getting their views—

THE COURT: Well, I think the Court can distinguish between the two.

MR. SAMS: Thank you, Your Honor.

[148] THE COURT: She has just convinced me that I was right, which I always thought I was, when I changed the method of selection for the Bi-racial Committee.

MR. SAMS: Thank you.

THE COURT: She's confirmed to me that what I saw was going on for years, that they were fighting among themselves more than anything else—

THE WITNESS: But truly what was kind of interesting to me in going back over some of the minutes, we agreed or the first votes that we had were unanimous, unanimous, unanimous. I should say the first, oh, I don't know, quite a lot of—and then there was one man who was supposedly on the other side, he got so he always voted on our side, and, I mean, you know, you know, Judge, when, how it is. You think people are always going to be, think this way, but they sometimes fool you and think the other way.

THE COURT: People change.

THE WITNESS. Yes, people change, and with difference ideas that come up.

But some of the things that we had a problem with were things like zone changes, and that was one of our, one of the things that we were supposed to okay, so regularly for four regular meetings, when we first organized, we asked them if there were going to be any zone changes.

Mr. Renfroe said, no zone changes, no zone [149] changes, all four times, which were recorded in the minutes that there was, so we didn't have to worry about zone changes.

Then we heard from a parent in the school district that they were going to close Heritage School which was going to mean that the people at Heritage were going to have, a lot of zone changes were going to have to be made.

So then they said, that didn't matter because those zone changes didn't have any racial effect.

Well, to me, it did have a racial effect. Any closing could have a racial effect then and on the future, so it was something that I thought should be under consideration.

So we didn't hear until the end of May, you see, that they were talking of closing Heritage, and that we did go ask the Judge about that again, and I have forotten. It was quite a long deal. I believe it was open for one more year and then closed or something like that.

BY MS. WILDE:

Q. Did you have any problems getting information from the board?

A. We can never get information, and I never could quite understand why, because the information that we asked for was public information. Like what is the capacity of the schools. What is the number of students enrolled and the [150] breakdown between black and white.

I mean, things that to me that anybody should have been able to walk in the office and say, where do I get them, and somebody would give them to them maybe for the price of fifteen cents a sheet or something, but to give them to them.

So one time I remember we went all fall and we didn't get the list we had asked for until the following—some of the committee members didn't consider this as seriously as I did. I liked to take it and figure with the numbers and figure with the figures and see where we were, and it bothered me very, very much that we didn't have the tools to work with.

It delayed us in getting ahead with the job.



Q. Was the Bi-racial Committee successful in your view in fulfilling its mission?

A. Oh, no, I don't think so.

Q. And why not? What were the problems?

A. I'm sure it did some good, and all of us learned a lot, but as far as increasing desegregation in the county, it didn't.

Q. Why not?

A. I think perhaps we helped in a lot of things. We probably increased the amount of M-to-M because at first they didn't have any transportation policy, and a lot of [151] people didn't want to transfer their kids because it wasn't any written policy, and you know you are not going to send your little first grader out and not know how they are going to get to school.

So we asked for a policy, and we finally had to go to court to get a stated transportation policy for handling M-to-M students, but we did go, we did go back to court, and we did get that policy and did reopen that M-to-M length of time so that that could be publicized.

So I expect we did some things, but I think in the overall picture of providing us with a unitary system in DeKalb, I don't think we got very far.

Q. What kinds of things did you feel like you should have been considering that were not available to the committee?

A. Well, other means like pairing or redistricting or changing, you know, the various things that you have heard the experts talk about that can go into various desegregation plans, because depending entirely on the district, what sort of plans that you could use.

We had a great advantage I thought in DeKalb County because we did have in a way a more homogeneous group, and a lot of the blacks had moved into the county, and I was very astonished and pleased and delighted to see how many of the blacks that were moving in were moving back south.

• • • •

[153] BY MS. PAULEY:

Said, "it is widely held by committe members that the majority-minority program is not and cannot be thought of as the vehicle for desegregating DeKalb schools. Therefore, the committee has continued to urge the school administration and the Board of Education to seek other viable alternatives for desegregation of DeKalb County schools."

I think that was the, a very true statement that he made at that time, and it was adopted, by the way, by the total committee.

BY MS. WILDE:

Q. Were any subcommittees ever formed on the desegregation question?

A. Well, we did set up a task force, but it was actually separate from the Bi-racial Committee, but it was under the Bi-racial Committee, and a member of the Bi-racial Committee served as chairman, but it was made up of people from various organizations around the city.

I wish we had something else like that that could really work hard. I think it would help to have the best school district in the state.

Q. What was the attitude of the court towards the Bi-racial Committee and its role?

A. Well, Judge Edenfield showed such patience with us, because so many times the things that we would go back to court seemed so small, but they all fit into a big picture . . . ,

* * * *

TESTIMONY OF MELVIN JOHNSON

* * * *

[35] BY MS. WILDE:

Q. Of the maintenance department?

A. Yes.



Q. Let's see if there are some other complaints that I think might have been brought to your attention. You would be over Southwest DeKalb, I take it?

A. Yes.

Q. And you would also be over Towers; is that right?

A. Yes.

Q. So you would have been aware of the problem with the band director who said, "This band is being run over by a bunch of niggers," who was then transferred. Are you familiar with that problem?

A. Yes.

Q. And indeed, he was transferred to another black school; he wasn't fired, right?

A. It's my understanding, yes, he was transferred.

THE COURT: Is that band director black or white?

THE WITNESS: He was white.

* * * *

TESTIMONY OF CHRISTINE ROSSELL

* * * *

[133] BY MS. ROSSELL:

A. You mean the 1980 gap versus the 1976 gap?

BY MS. WILDE:

Q. Yes.

A. Right.

Q. Now, let's go back to that chart we had so much trouble with this morning.

I believe we have now established that it's black, black, white, white?

A. That's right.

Q. And let me show you what was marked as Plaintiffs' Exhibit 125 which was a mapping of those differences in terms of the difference between the blacks and the whites.

Do you want to do a quick check as to whether or not you think that's accurate?

A. I can't quite read the handwriting. "Difference between first year students and those"—

Q. "Totally educated in DeKalb County," which is what this chart—

A. Okay, so it's the difference between the total students and the new students coming into the system.

Q. That's right.

A. All right. I have looked at it.

Q. And indeed doesn't that show that between, if you do it by race, that the gap is widening between blacks and the [134] whites, the whites are doing better the longer they are in DeKalb and they are doing much better than blacks who were in DeKalb?

A. Yes.

Q. I believe you testified on direct that nothing would have substantially changed the demographics; is that right?

A. Yes.

Q. And when we discussed that last night, do you recall saying essentially that there may have been ways to affect it, but you really don't know what would have been effective?

A. Yes.

Q. So you don't disagree that there are ways of mitigating white flight?

A. I think that the school system probably could have made minimal, had a minimal effect on that.

Frankly, I don't know what it is, but just as I survey the possibilities, it seems to me that they might have had a minimal effect, but, frankly, I can't—I have to tell you, the research is very interesting on this, because virtually every school system that I can think of that has undergone this kind of massive racial transition has reacted to it the way DeKalb has done. That is, they try to maintain—they try to maintain some stability by not reassigning students and by not gerrymandering. . . .

* * * *



[137] THE COURT: Before you leave that, you were asking a question, Ms. Wilde. Maybe I don't recall it correctly. You were asking questions that suggested that the evidence showed that the magnet program would affect transition.

MS. WILDE: Yes.

THE COURT: I don't remember there being evidence to that effect.

MS. WILDE: Dr. Armor testified that using magnet programs can be used to slow racial transition and if put in a transitional neighborhood could stabilize the area.

THE COURT: Stabiliz[illegible] I was trying to reflect on Dr. Dentler's testimony. He didn't testify to any such, as I recall.

MS. WILDE: I remember much more clearly with Dr. Armor. I'm not sure.

THE COURT: All right.

Do you have any studies that you have that would show that use of magnet schools would slow or have an effect upon the racial transition of neighborhoods?

THE WITNESS: Yes. My research shows the same.

THE COURT: It does?

THE WITNESS: Yes.

BY MS. WILDE:

[138] Q. Let's switch focus to M-to-M.

Did you look at the underlying shifts in the size of a school's population in determining which schools you found significant effect in?

A. I'm not sure I understand that question when you say "underlying size."

Q. When you made a determination as to whether or not M-to-M had had a significant effect in the school, did you look at such factors as whether the school was shrink-

ing during, in its enrollment over the period that you were examining?

A. My understanding—I was given this data by Dr. Bill Strain. My understanding is that this is a snapshot in one point in time, and therefore that issue is irrelevant.

Q. Are you aware that Oak Grove which you named has only about 20 M-to-M students?

A. Well, these data say 52.

MR. SAMS: What year?

MS. WILDE: I have 1986 Oak Grove a total of 47 black students.

THE WITNESS: Well, these data say—this is October of '86, and they say 52.

MS. WILDE: Your Honor, mine's from defendants' Exhibit 35.

THE COURT: It's not the first time we have had [139] inconsistencies or a variable.

Q. Wouldn't you agree that if the size of a school is going down, that if you are looking at percent impact, it's going to take fewer students in order to get a percent impact?

A. Well, if you have a snapshot in time, that is one point in time, that should be irrelevant, because the enrollment is constant at one point in time. You take the M-to-M children out, you put them in their home school. The enrollment does change, so the question is, what is the effect on percent black of those schools at that one snapshot in time.

Q. And if you have a small school, it can be a very small number of M-to-M that do that?

A. Yes.

Q. I think you agreed when we were talking last night that M-to-M has had virtually no effect on the over 90 percent white or over 90 percent black schools; isn't that right?

A. I'm sorry. I thought the question last night was the 90 percent black schools.



Q. Let's start there. You would agree it's had virtually no effect on the 90 percent and over black schools?

A. By themselves, that's correct. However, when you calculate an index, the fact that there are less blacks in [140] those black schools improves racial balance.

Q. But it doesn't affect the percent black in the home schools?

A. No, it doesn't.

Q. You haven't had much of an effect in such schools as Peachtree and Dunwoody or any of the over 90 percent white schools either, have you? I didn't hear a single double digit that was a 90 percent white school.

A. I'm sorry. The name of the school is what?

Q. I'm just saying you have not had significant M-to-M impact in the 90 percent or more white schools either, have you?

A. In the very northern schools.

MR. WEATHERLY: At what point in time are we talking about? October of 1986?

MS. WILDE: '86 is the last point I have got.

MR. WEATHERLY: That's what you are asking the opinion with regard to? Is that October '86?

MS. WILDE: Yes.

THE WITNESS: I don't have Peachtree on my list.

BY MS. WILDE:

Q. Or Austin Elementary or Kingsley?

A. That is correct.

Q. And I believe we also agreed last night that there were ways that the system could be taking additional steps to try [141] to build its M-to-M program?

A. Yes.

Q. So it has not done all it can?

A. Probably not, although most of the growth in M-to-M will simply come about because seats will be made available as the white enrollment declines and word of mouth gets out.

I mean, this is one of those things that just grows and grows and grows.

Q. Only in the black community, right, Dr. Rossell?

A. That's exactly right.

Q. I believe when we were talking about the level of segregation within DeKalb you said the numbers speak for themselves; isn't that right?

A. Yes.

Q. Indeed, are you aware of this morning's paper finding that, where Dr. Toyber said that Atlanta, DeKalb and Fulton are ranked among the top 11 most segregated systems in the country?

A. Unfortunately I didn't read that newspaper article.

Q. Would you disagree with that finding?

A. Well—

Q. As of 1984, as least, which is the data base.

A. The disagreement I have with Carl Toyber is he is still looking at racial balance when he compares school districts.

What I argue is that one should look at [142] interracial exposure. That is, the percent white in the average black child's school.

The reason why I argue that is because whatever research suggests that going to a desegregated school can affect one's life chances uses as their independent variable the percent white, not racial balance.

The problem with racial balance is, first of all, I am not even sure it's by itself an absolutely desirable goal, but secondly, it isn't linked to any of the research that we know of. What does it mean to have racial balance.

So to say that DeKalb County is one of the most racially imbalanced school systems is one thing, but you have to understand that DeKalb County has more interracial exposure than Boston which is a whole lot less racially imbalanced.

Q. And the Supreme Court was addressing some questions of racial balance in Brown and its progeny?

A. Well, it is not clear what they were discussing in Brown, quite frankly.



In Swann, they began to discuss racial balance, but if you read those decisions carefully, and I have read many of them, it seems to me what they are really driving at is white-black contact rather than strict racial balance, that they would not find desirable a school system in which there were 97 schools and one white in each school which [143] would be perfect racial balance.

Q. Would they find desirable a situation where 50 percent of the black kids go to over 90 percent black schools?

A. Well, they have in many schools sytems. Houston, for example, Atlanta. The court—the Philadelphia Magnet School Plan, for example, which Dr. Dentler testified was a failure, in fact, I have actually measured that plan with precise mathematical measures, and I count it as a hugh success.

I don't know of a school system that began at such a high percentage minority with such a big increase in interracial exposure as a function.

Q. Let's talk about DeKalb County in magnets and interracial exposure.

Your testimony was it only makes—even including all of the integrated experience programs which you listed and Kittridge which is not yet open, all we had was a one and a half percent shift in racial exposure, right?

A. It's a one and half to three and a half percent decline in racial imbalance, the various racial imbalance measures.

Q. Indeed, we agreed in your deposition, did we not, that DeKalb is at the very beginning on the magnet program?

A. That's correct.

Q. And you said, as I recall, that it would take ten to 30 percent of the students in magnet schools to have any [144] significant impact on the level of segregation in DeKalb County?

A. Now, that's based on my own research.

Q. Which you said is about the only research in the field?

A. That's exactly right. You won't find anything about how many kids are in magnet seats in Dr. Dentler's study. There is literally no data in that study.

Q. So we can use the ten to 30, Dr. Rossell?

A. This is based on 20 other school districts. Obviously, you take that data and you look very carefully at DeKalb County, and I have not done that.

Q. You did agree, however, that we could make a dent in DeKalb County if we moved to a serious magnet program?

A. I think you could reduce racial imbalance.

Q. And you agree it would be a good idea both educationally and for desegregation?

A. Yes.

Q. You have never testified before in a unitary hearing, have you?

A. No.

Q. We talked about level of segregation, M-to-M not affecting the 90 percent black schools or some of the northern white schools and magnet programs being at the very beginning. You are not contending that DeKalb County as we stand here today is unitary, are you?

* * * *